

CITY COUNCIL MEETING AGENDA –VERSION 1

REMOTE

January 27, 2021

7:30PM

City Council Meeting

Zoom Meeting Details:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82438759644>

Or iPhone one-tap :

US: +13017158592,,82438759644# or +13126266799,,82438759644#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 824 3875 9644

1. CALL TO ORDER

2. LATE FILE ITEMS

- o ODNC068_1_27_2020 Late File Zoning Amend SecVI-C re: the # of residential structures per lot

3. PUBLIC COMMENT

4. MAYOR'S COMMENT

**CONSENT
AGENDA**

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

5. APPROVAL OF MINUTES

- January 11, 2020

(Approve)

6. COMMUNICATIONS

- COMM282_01_27_2021 Ltr from Jim McCarthy re: Sign Proposal (PS)
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit (PS)
- COMM284_01_27_2021 Ltr. from Susanne Gallagher (B&F)
- COMM285_01_27_2021 Memorandum from Councillor Christine Wallace (NCS)

7. TRANSFERS

none

8. APPOINTMENTS

First Reading

- APPT218_01_27_2021 Colin Sarff 23 Charter St. Comm. On Disabilities 2/28/2024
- APPT219_01_27_2021 Charles Griffin 3 Vernon St. Comm.Preservation Act Comm. 2/1/2024
- APPT227_01_27_2021 Glenn Richards 6 Kent St. Comm.Preservation Act Comm. 2/1/2022
- APPT220_01_27_2021 * Daniel Warchol 47 Plummer Ave Conservation Comm. 2/28/2024

**Planning & Development*

- APPT221_01_27_2021 Paula Burke 23 Blueberry Ln. Topsfield Council on Aging 2/28/2024
- APPT222_01_27_2021 * Gregory Benik 15 Woodland St. ZBA 2/28/2026
- APPT228_01_27_2021 * Ken Swanton 10 Tremont St. ZBA 2/28/2026
- APPT223_01_27_2021 *Stephen DeLisle 195 High St. ZBA 5/31/2025

Re-Appointment

- APPT224_01_27_2021 Mark Rosen 20 Fair St. Comm.Preservation Act Comm. 2/1/2024
- APPT225_01_27_2025 Michael Dissette 44 Jefferson St. Comm.Preservation Act Comm. 3/1/2024

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

Licenses and Permits

- COMM230_03_09_2020 Yearly Report, Section 16A of the Liquor Control Act
- APPL014_06_08_2020 Outdoor Seating application from Vera Ristorante LLC
- APPL015_06_08_2020 Ltr with Layout from Ted Epstein re: Outdoor Seating
- APPL017_12_14_2020 State Automotive Repair-Second Hand Vehicle Sales
- APPL018_12_14_2020 LCA Motors- Second Hand Vehicle Sales
- APPL019_1_11_2021 Plum Autoworks Inc 2nd Hand MV License
- APPL020_1_11_2021 R L Currie 2nd Hand MV License

Public Safety

- ORDR231_1_11_2021 Parking Definition Employee Downtown

**END OF CONSENT AGENDA
REGULAR AGENDA**

9. MAYOR'S UPDATE

10. COMMUNICATIONS

11. SECOND READING APPOINTMENTS

- APPT209_01_11_2021 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 01/31/2023
- APPT211_01_11_2021 Susanne Cameron 5 Milk St Affordable Housing Tr. 01/01/2023
- APPT212_01_11_2021 Jill Brennan 24 Webster St., Haverhill Assessor 01/01/2024
- APPT213_01_11_2021 Joseph Sederquist 2 Wightman Rd. Wilmington Asst. Harbormaster 12/31/2023
- APPT214_01_11_2021 Lori Bunyan 96 Lime St. Human Resources Dir. 01/01/2024

Re-appointments

12. ORDERS

- ORDR234_01_27_2021 Preservation Restriction 190 High Street
- ORDR235_01_27_2021 Gift from Saltbox Financial \$1K for Trees
- ORDR236EP_01_27_2021 Emergency Preamble City of Newburyport Election Calendar

- ORDR236_01_27_2021 City of Newburyport Election Calendar
- ORDR237EP_01_27_2021 Emergency Preamble to the Resolution re: January 6, 2021
- ORDR237_01_25_2021 Resolution re: January 6, 2021

13. ORDINANCES

- ODNC066_11_30_2020 Chapter 12 Amendments to Snow and Ice SECOND READING
- ODNC067_1_27_2021 License to Occupy Outdoor Property Ch. 12-1
- ODNC068_1_27_2021 Late File Zoning Amend SecVI-C re: the # of residential structures per lot

14. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Waterfront and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW) Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM264_09_29_2020 Colleen Turner Letter
- ODNC063_09_29_2020 Bond and Transfer Limit
- ORDR214_10_13_2020 Low Street Purchase w/ P&D & COTW
- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K
- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- COMM281_12_14_2020 Information Request for 57 Low Street COTW
- ORDR228_01_11_2021 Central Cong Church Amended Award to 50K

Education

In Committee:

- COMM240_04_27_2020 Memo re: SOI Submission Info
- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987

General Government

In Committee:

- COMM241_05_11_2020 Charter Review Final Report
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes

License & Permits

In Committee:

- ODNC047_1_27_20 General Ordinance - Short Term Rental Units Rules
 - COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance
 - COMM230_03_09_2020 Yearly Report, Section 16A of the Liquor Control Act
 - APPL014_06_08_2020 Outdoor Seating application from Vera Ristorante LLC
-

- APPL015_06_08_2020 Ltr with Layout from Ted Epstein re: Outdoor Seating
- APPL017_12_14_2020 State Automotive Repair-Second Hand Vehicle Sales
- APPL018_12_14_2020 LCA Motors- Second Hand Vehicle Sales
- APPL019_1_11_2021 Plum Autoworks Inc 2nd Hand MV License
- APPL020_1_11_2021 R L Currie 2nd Hand MV License

Neighborhoods & City Services

In Committee:

- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020

Planning & Development

In Committee:

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification
- ODNC046_1_27_20 Zoning Amendment - Short Term Rental Units Definition
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- ORDR196_07_13_2020 Open Space and Recreation Plan 2020 (COTW)
- ORDR214_10_13_2020 Low Street Purchase w/ P&D (COTW)
- COMM270_10_13_2020 Ltr To DCAM_Jeigerman
- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- APPT201_12_14_2020 Jennifer Blanchet 4 Island Ln., Newbury Zoning Admin. 12/31/2022
- COMM281_12_14_2020 Information Request for 57 Low Street COTW
- APPT210_01_11_2021 Michael Sullivan 41 Summit Pl. Waterfront Trust 01/01/2025
- APPT216_01/11/2021 Carole Wagan 9 Olive St. Conservation Comm. 01/31/2023
- APPT217_01_11_2021 Cornelia Walsh 102 Water St. Conservation Comm. 01/31/2023
- APPT215_01_11_2021 Robert Ciampitti 552 Merrimac St. ZBA 02/01/2026
- APPT208_01_11_2021 Marc Cendron 91 High St. Historical Comm. 01/31/2023

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- ORDR231_1_11_2021 Parking Definition Employee Downtown

Public Utilities

In Committee:

- ORDR230_1_11_2021 Water and Sewer fees

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)

15. GOOD OF THE ORDER

16. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES

REMOTE

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+1 346 248 7799

Webinar ID: 833 2860 9499

Moment of silence remembering Tony Fordham

1. CALL TO ORDER

The City Clerk, Richard B. Jones, called the meeting to order at 7:30 pm and called the roll. The following Councillors answered present: Zeid, Devlin, Eigerman, Khan, Lane, McCauley, Connell, Shand, Tontar, Vogel, and Wallace using Zoom as a platform.

2. ELECTION OF COUNCIL PRESIDENT

The City Clerk, Richard B. Jones, stated he would be handling the election of the Council President in round robin fashion.

Election of the President of the City Council:

Councillor Eigerman was elected to continue serving as Council President 2021.

Councillor Eigerman received six votes – (SZ, JD, JE, BL, JM, CW)

Councillor Shand received five votes – (AK, BC, HS, CT, BV)

Councillor Eigerman was re-elected Council President.

3. ORDR232_01_11_2021 COUNCIL RULES FOR 2021

Motion to approve by Councillor Zeid, by seconded by Councillor Khan. So voted.

4. ORDR233_01_11_2021 COUNCIL CALENDAR 2021

Motion to approve by Councillor Zeid, by seconded by Councillor Khan. So voted.

5. LATE FILE ITEMS

6. Motion to waive the rules and accept the late file items by Councillor Zeid, seconded by Councillor Khan. So voted.

Mayor's Update submitted 01_12_2021

7. PUBLIC COMMENT

Marc Cendron, 91 High Street

Lorraine Ward, 7 Sullivan Drive

Carole Wagan, 9 Olive Street

Cornelia Walsh, 102 Water Street

8. MAYOR'S COMMENT

CONSENT

AGENDA

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6. APPROVAL OF MINUTES

- December 14, 2021 (updated) (Approve)

7. COMMUNICATIONS

- APPL019_1_11_2021 Plum Autoworks Inc 2nd Hand MV License (L&P)
- APPL020_1_11_2021 R L Currie 2nd Hand MV License (L&P)

8. TRANSFERS

none

9. APPOINTMENTS

First Reading

- APPT209_01_11_2021 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 01/31/2023
**Referred to Planning and Development*
- APPT208_01_11_2021 * Marc Cendron 91 High St. Historical Comm. 01/31/2023
**Referred to Planning and Development*
- APPT210_01_11_2021 *Michael Sullivan 41 Summit Pl. Waterfront Trust 01/01/2025
- APPT216_01/11/2021 *Carole Wagan 9 Olive St. Conservation Comm. 01/31/2023
- APPT217_01_11_2021 *Cornelia Walsh 102 Water St. Conservation Comm. 01/31/2023

Re-Appointments

- APPT211_01_11_2021 Susanne Cameron 5 Milk St Affordable Housing Tr. 01/01/2023
- APPT212_01_11_2021 Jill Brennan 24 Webster St., Haverhill Assessor 01/01/2024
- APPT213_01_11_2021 Joseph Sederquist 2 Wightman Rd. Wilmington Asst. Harbormaster 12/31/2023
- APPT214_01_11_2021 Lori Bunyan 96 Lime St. Human Resources Dir. 01/01/2024
**Referred to Planning and Development*
- APPT215_01_11_2021 * Robert Ciampitti 552 Merrimac St. ZBA 02/01/2026
Removed from Consent Agenda, added to Regular Agenda

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

Education

- COMM235_03_30_2020 Ltr re: SC Appt. of Brett Murphy to Whittier Vo-Tech Cmte
- COMM240_04_27_2020 Memo re: SOI Submission Info

Neighborhoods & City Services

- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- COMM233_03_09_2020 Ltr re: MVRTA State Street Bus Stop Shelter
- COMM252_07_30_2020 Ltr re: Face Masks in public
- COMM269_10_13_2020 DPS Snow and Ice Plan
- ODNC066_11_30_2020 Chapter 12 Amendments to Snow and Ice

Rules

- COMM279_11_30_2020 CC Email Account

Motion to Approve Consent Agenda as Amended by Councillor Zeid, seconded by Councillor Khan. So voted.

**END OF CONSENT AGENDA
REGULAR AGENDA**

10. MAYOR'S UPDATE

Submitted 01_12_2021 Late File

11. COMMUNICATIONS

12. APPOINTMENTS FIRST READING

- APPT215_01_11_2021 Robert Ciampitti 552 Merrimac St. ZBA 02/01/2026
*Referred to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted. Councillors Devlin and Lane recused.

13. SECOND READING APPOINTMENTS

- | Appointments | | | | |
|------------------------|-----------------|--------------------------------|--------------------|------------|
| • APPT205_12_14_2020 | Timothy Rooney | 9 Marshview Cir., Seabrook, NH | Asst. Harbormaster | 12/31/2023 |
| Re-Appointments | | | | |
| • APPT200_12_14_2020 | David Zinck | 6 Laurel Rd. | Electrical Insp. | 1/1/2022 |
| • APPT202_12_14_2020 | Enrico Caruso | 34 Russett Hill Rd., Haverhill | Asst. Harbormaster | 12/31/2023 |
| • APPT204_12_14_2020 | Richard Puopolo | 169 Apache Way, Tewksbury | Asst. Harbormaster | 12/31/2023 |
| • APPT206_12_14_2020 | Daniel Scott | 16 Johnson St., Windham, NH | Asst. Harbormaster | 12/31/2023 |
| • APPT207_12_14_2020 | Philip Stern | 271 Merrimac St., Apt. 2 | Asst. Harbormaster | 12/31/2023 |
- Motion to approve collectively by Councillor Zeid, seconded by Councillor Khan. Roll call vote. I I yes

14. ORDERS

- ORDR228_01_11_2021 Central Cong Church Amended Award to 50K
Motion to refer to Budget & Finance by Councillor Shand, seconded by Councillor Tontar. So voted.
- ORDR230_1_11_2021 Water and Sewer fees
Motion to refer to Public Utilities by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR231_1_11_2021 Parking Definition Employee Downtown
Motion to refer to Public Safety by Councillor Connell, seconded by Councillor McCauley. So voted.

15. ORDINANCES

none

16. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Waterfront and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award

Budget & Finance

In Committee:

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- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K
- ORDR229_12_14_2020 Disposition and Funding for Rehabilitation former Brown School COTW
- COMM281_12_14_2020 Information Request for 57 Low Street COTW

Education

In Committee:

- **COMM235 03 30 2020 Ltr re: SC Appt. of Brett Murphy to Whittier Vo-Tech Cmte**
Motion to receive and file by Councillor Khan, seconded by Councillor Zeid. So voted.
- **COMM240 04 27 2020 Memo re: SOI Submission Info**
Motion to refer back to Education by Councillor Khan, seconded by Councillor Connell. So voted.
- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987

General Government

In Committee:

- COMM241_05_11_2020 Charter Review Final Report
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes

License & Permits

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- APPL017_12_14_2020 State Automotive Repair-Second Hand Vehicle Sales
- APPL018_12_14_2020 LCA Motors- Second Hand Vehicle Sales

Neighborhoods & City Services

In Committee:

- **COMM197 10 28 19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)**
Motion to receive and file by Councillor Connell, seconded by Councillor Tontar. So voted.
- **COMM233 03 09 2020 Ltr re: MVRTA State Street Bus Stop Shelter**
Motion to receive and file by Councillor Connell, seconded by Councillor Tontar. So voted.
- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020
- **COMM252 07 30 2020 Ltr re: Face Masks in public**
Motion to receive and file by Councillor Connell, seconded by Councillor Tontar. So voted.
- **COMM269 10 13 2020 DPS Snow and Ice Plan**
Motion to receive and file by Councillor Connell, seconded by Councillor Tontar. So voted.
- **ODNC066 11 30 2020 Chapter 12 Amendments to Snow and Ice**
Motion to approve 1st reading by Councillor Connell, seconded by Councillor Khan. Motion to amend by Councillor Khan, seconded by Councillor Wallace to spell out COA to Council on Aging, and NYS to Youth Services. Motion to approve 1st reading amended by Councillor Connell, seconded by Councillor Khan. Roll call vote. 8 yes, 3 no (SZ, JD, CT) Motion passes.

Planning & Development

In Committee:

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification
- ODNC046_1_27_20 Zoning Amendment - Short Term Rental Units Definition
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Public Safety

In Committee:

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- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended

Public Utilities

In Committee:

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)
- **COMM279 11 30 2020 CC Email Account**
Motion to receive and file by Councillor Vogel, seconded by Councillor Khan. So voted.

17. GOOD OF THE ORDER

January 19, 2021 meeting scheduled between the Conservation Committee and the City Council. Notices to be coordinated by the City Clerk.

City Council Retreat to be coordinated by the Council President.

18. ADJOURNMENT

Motion to adjourn at 9:53 pm by Councillor McCauley, seconded by Councillor Khan. So voted.

COMMUNICATIONS

Newburyport City Council
Jared Eigerman, President
60 Peasant St
Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 JAN 11 AM 11:41

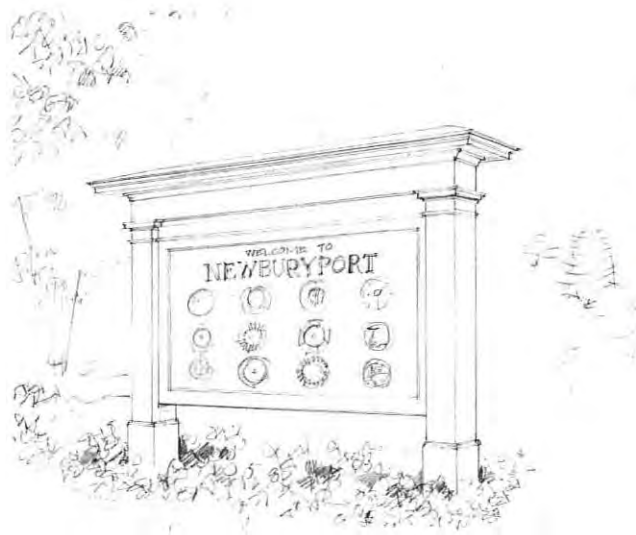
7 January 2021

Subject: Service Sign Display Upgrade

Dear Councilor Eigerman,

I would like to propose the following project to beautify the City; I would like to present our City's Service Organization signs in a more formal way by building a single display structure. I am offering to pay for the design, construction, and installation of the structure if we can get stakeholder agreement.

Please consider forwarding this request to the appropriate Committee for discussion among all interested parties.



Sincerely,

A handwritten signature in black ink, appearing to read "Jim McCarthy". The signature is stylized and written in cursive.

Jim McCarthy
17 Russia St
(978) 417-9373

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 JAN 15 AM 11:00

Newburyport City Council
Jared Eigerman, President
60 Pleasant St
Newburyport, MA 01950

13 January 2021

Subject: Request City Council petition for Route One Speed Reduction

Dear Councilor Eigerman,

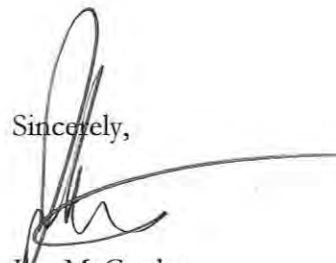
I would like to request that the City Council consider petitioning the appropriate authorities to lower the posted maximum speed on the entire length of Route One through Newburyport from 45 MPH to 35 MPH.

The primary reason for the request is safety. We currently have two pedestrian crossings, soon to be three. Low St is currently the most critical, with regular school children crossings. The idea that signaling and signage will catch the distracted driver is not enough. It is well established that fatal collisions involving pedestrians rise rapidly above 35 MPH.

Secondly, the current 1950s design of Route One is inconsistent with the City's long-term development goals. Recently, a multi family development was completed, with a curb cut directly on Route One. Developments underway at Hillside, One Boston Way, and Parker St bring more than 200 residential units with direct access to the highway. Future build out of the Smart Growth District at Three Boston Way (already permitted), Hailey's, and the hardware store will bring hundreds more.

Eventually, Route One needs capital improvements that will transform it from a 1950s highway into a more suitable, tree lined Parkway. In the short term, I ask the Council to consider this request to lower the speed limit in order to address safety first.

Sincerely,



Jim McCarthy
17 Russia St
Newburyport, MA
(978) 417-9373

Susanne Gallagher
3 Garnet Street
Newburyport, MA 01950

January 15, 2021

City Council
60 Pleasant Street
Newburyport, MA 01950

Members of Newburyport City Council:

I am writing to all of you because I am concerned about the possible purchase of State owned land on Low Street. It is my opinion that if the Council approves the purchase you will be doing a very large disservice to the residents of the city. \$220,000 may not seem like a lot of money to spend but the Council should also be looking at the amount of money that will have to be spent to make it possible for Newburyport Youth Services to use it. The land is on wetlands and is contaminated and will require millions of dollars to bring it up to the necessary specks prior to building anything on it. I don't believe spending millions of dollars is fiscally responsible at this time.

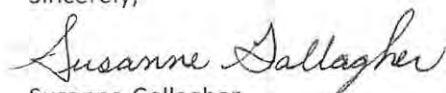
We are in the midst of a pandemic that has affected the income the city receives which will probably result in an increase of taxes and fees the residents have to pay. Money is tight for everyone, especially for the seniors who are on a fixed income. Asking the residents to pay more will probably result in some being forced to leave the city. I am a senior on a fixed income who has lived in this city my entire life and I really don't want to be forced out because I can no longer afford to live here.

The Brown school has served Newburyport Youth Services for several years and I would rather see some money spent on improving that facility rather than starting all over. There is one other reason the Brown school should be kept, it is the polling place for Ward 2 voters. If the school is sold where will the polling place move to and at what cost?

The City Council should represent the entire city, not just a small segment of the city. The streets and sidewalks are in deplorable shape forcing people to walk in the street rather than take a chance on tripping on the sidewalk. If the money is burning a hole in your pocket then spend some on repairing the streets and sidewalks which serves the entire city.

Thank you for listening.

Sincerely,


Susanne Gallagher

MEMORANDUM

TO: Honorable Mayor Donna Holaday
DPS Director Tony Furnari

FROM: Christine Wallace, Ward 4 Councillor

RE: Ward 4 Road Project Outstanding Items

DATE: January 13, 2021

On behalf of the Ward 4 residents, I am requesting the following items be a priority for completion when the 2021 road construction season begins. Please note this is not a comprehensive list and is not in any particular order. These are outstanding items that I receive numerous questions on for projects already in progress.

1. **High Street Striping** – In addition to the necessary repairs (pavement, curbing, sidewalks), lane striping is high priority. This includes striping of the centerline, shoulders, bike lanes, and parking lanes. If the time frame for the other fixes is still unknown, at a minimum temporary line painting should occur this spring.
2. **High Street Crosswalks** – Crosswalks that were removed from High Street during the 2019 construction should be returned and ADA-compliant ramps should be installed. Crosswalks that are used for safe routes to schools should be a priority, such as those at Myrtle Street and North Atkinson Street.
3. **Speed Limit Signs** – For High Street and Merrimac Street, final locations for the 25 mph speed limit signs should be determined and signs permanently installed.
4. **Merrimac Street Striping Plan** – As part of completing the Merrimac Street paving project, the striping plan should be provided to the public with adequate time for review and comment prior to the work. This includes planned striping in the vicinity of Lower Atkinson for Pioneer League parking.
5. **Lower Atkinson Parking Lot** – The parking lot at Lower Atkinson used for the Pioneer League ball fields needs to be restored to its prior condition after being used as a staging area for the 2019-2020 Merrimac Street construction. This includes at a minimum removal of all debris, re-grading, and installation of suitable gravel.
6. **Columbus Avenue** – The water line replacement project needs to be completed, and paving of the street shortly thereafter during this construction season is a priority. Timeline changes and scope of work for both phases should be communicated clearly to the residents.

I also receive frequent questions on future street and sidewalk work planned for Ward 4 and therefore I am requesting the following:

7. **5-year Pavement Management Plan** – The city-wide pavement study and street prioritization plan prepared by Beta Engineering should be provided to the public as soon as possible to allow time for meaningful review and comment prior to the construction season.

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2021 JAN 19 PM 3:37

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 19, 2021
Subject: Appointment

A handwritten signature in blue ink that reads "Donna D. Holaday".

I hereby appoint, subject to your approval, the following named individual as a member of Commission on Disabilities. This term will expire on February 28, 2024.

Colin Sarff
23 Charter Street, Apartment 1
Newburyport, MA 01950

Colin Sarff

Professional Summary

I am presently a Purchasing Assistant and I am looking to join an environment where I can grow, expand, and gain additional experience.

23 Charter St, Apt 1

Newburyport, MA, 01950

978-270-4006

csarff933@gmail.com

EXPERIENCE

Fireside Church, Salisbury, MA — *Fireside Kids*

May 2019 - March 2020

Assist with different activities for Fireside Kids.

GS Associates, Newburyport, MA — *Purchasing Assistant*

September 2016 - PRESENT

Assist project managers with variety of tasks, which include; Processing checks, data entry, and more. Communicate with vendors via email as well as create labels to send out to FedEx to vendors to ship to warehouse.

Northern Essex Community College

Theatre Experience

Directed multiple one acts and participated in multiple theatre shows.

EDUCATION

Northern Essex Community College, Haverhill, MA— *Associates in Elementary Education*

September 2018 - Present

Related Courses: Intro to Teaching, Intro to Psychology, Children's Theatre, and Intro to Directing.

SKILLS

-Time management

-Customer service

-Adaptability

-Writing

-Creativity

-Research

-Active listening



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978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 19, 2021
Subject: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on February 1, 2024.

Charles Griffin
3 Vernon Street
Newburyport, MA 01950



January 8, 2021

Mayor Donna Holaday
City Hall
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

This letter is meant as an application to be placed as the Newburyport Parks Commission representative on the CPC Board.

My qualifications are:

1. As noted above, I am serving as the Bartlet Mall representative on the Newburyport Parks Commission.
2. I'm a practicing Architect as Chairman of the Board of EGA Architects, a fourteen person firm located in the old GAOL, Newburyport. I have lived and had an office in this location since 1987. In Newburyport, EGA has created The Assisted Living Community Atria Merrimac Place, the Nursing Home Country Manor and was one of two architects for the Senior / Community Center. In this area, we designed Riverwoods in Exeter and Nichols Village in Groveland.
3. Along with restoring the 1825 GAOL, I have developed five properties on Vernon Street, Auburn Street and Railroad Street in Newburyport.

I am semi-retired and have time to serve in the proposed capacity if desired by you and the city council.

Sincerely,

A handwritten signature in blue ink that reads 'C.O. Griffin'.

Chuck Griffin
Architect
Newburyport



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

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CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 JAN 20 PM 3:12

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: January 19, 2021

Subject: Appointment

A handwritten signature in black ink, reading "Donna D. Holaday", is written diagonally across the right side of the document, overlapping the "From:" field.

I hereby appoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on February 1, 2022.

Glenn Richards
6 Kent Street
Newburyport, MA 01950

Objective

Volunteer, Newburyport Historical Commission

General

Strong analytical and problem solving skills.
Able to communicate effectively with both "technical" types and "creative" types and 'translate' between the two.
Exceptional written communication skills, including extensive newsletter production and editing.
Outstanding ability to build, repair and maintain positive customer relationships
Can work effectively independently and as a member of a team.
Highly creative and imaginative.

Management & Project Management

As Business Analyst, translated business requirements into technical specifications for web-based applications.
Managed an extensive intranet site, working with product development and marketing teams on product taxonomy and special content to support new product launches.
Led a Field Communications team to develop and deliver advanced communications to support field sales.
Developed and produced interactive multimedia training programs, audio programs
Created content for and edited newsletters, both paper-based and web-based
Developed and delivered classroom and multimedia based training programs for Lotus field sales and support.
As Manager of Video Operations, was responsible for production staff and facilities with a \$2 million budget.

Technical & Engineering

Extensive background in analog, digital and computer electronics and telecommunications, including both hardware and software diagnostics and correction.
Participated in the design and execution of web applications.
Designed, engineered, installed and maintained a corporate video facility.
Author of five technical training manuals and several technical training workbooks.

Creative

Designed and executed custom Federal-period woodwork for ca. 1786 home.
Designed the format for internal newsletters which became a company standard.
Designed & created graphic art and computer graphic images to communicate abstract or technical subject matter.
Developed and produced content for audio-based education and informational series.
Scriptwriter/Producer/Director/Editor for corporate videotape & broadcast production.
Created original MIDI-based electronic music composition for public performance.

Work History

- 2016-** Retired. Studied Federal period design using source materials such as *The American Builder's Companion* (1787, Asher Benjamin); works by Wendell Garrett, John Mead Howells, etc.
Collaborated with restoration mason Richard Irons to rebuild a 18th century fireplace and "beehive" oven.
Collaborated with builder John Jednak to restore original period fenestration to circa 1786 home, including custom moulding design, fabrication and installation.
Studied Newburyport history with Currier's history, Newburyport Public Library Archival Center, etc.
Studied "Preservation Briefs" from the U.S. National Park Service, especially with regard to historic mortars and plasters, repair and preservation of original windows, and improvement of energy efficiency of antique properties.
Conducted historical research at the Essex Registry of Deeds to trace a home's 'genealogy.'
Attended workshops and lectures on maintenance of historic property, cooking with fireplaces and brick ovens, etc.
- 1996-2015 IBM Corp.** Communications Team Lead; Intranet Managing Editor; Information Architect.
- 1989-1995 Lotus Development Corp.** Sales Education Project Manager; Solution Selling trainer/coach; Instructional Media Designer and producer.
- 1979-1989 Wang Laboratories, Inc.;** Customer Engineer; Video Producer; Video Production Manager; Computer-Based Training Developer.
- 1974-1979 IBM Corp., New York City;** Field Customer Engineer; received "IBM Means Service" award; assigned to train and evaluate new hires.

Education

MS Media Management program; Fitchburg State College.
Instructional Media Design Certificate program participant; Worcester State College
BA Music with Honors (Electronic Music/Composition), Brooklyn College (CUNY), 1978.
Training and/or certifications in Solution Selling, Graphic Design, Instructional Media Design.



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NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the
City Council
From: Donna D. Holaday, Mayor
Date: January 19, 2021
Subject: Appointment

I hereby appoint, subject to your approval, the following
named individual as a member of the Conservation
Commission. This term will expire on February 28, 2024.

Daniel P. Warchol
47 Plummer Avenue
Newburyport, MA 01950

January 2021

DAN WARCHOL

Re-appointment to the Conservation Commission

Resident of Newburyport
1998-present
47 Plummer Avenue
Newburyport, MA 01950

Education:
University of Vermont
Bachelor's Degree in Geology

Professional Experience:
Ransom Environmental Consultants Inc.
Project Geologist
1999-2001

Small business owner:
Northeast Sales Associates
President

Newburyport Conservation Commission:
Member 2008-present



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NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

2021 JAN 19 PM 3:37

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 19, 2021
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as Director on the Council on Aging. This term will expire on February 28, 2024.

Paula Burke
23 Blueberry Lane
Topsfield, MA 01983

Paula M. Burke

23 Blueberry Lane ♦ Topsfield, MA 01983
(978) 500-7610 ♦ ptburke@comcast.net

PROFILE

A successful department head with proven ability to manage two distinct municipal offices and to coordinate large events and teams of staff and volunteers to accomplish potentially life-saving missions. A relationship-builder who encourages collaboration and networking. A leader who identifies strengths in colleagues and inspires them to fulfill their potential. An effective communicator with aging and diverse populations.

EXPERIENCE

Town of Topsfield / Topsfield, MA

Topsfield Council on Aging Executive Director 2016-2020
Worked alongside the Topsfield COA Board of Directors, the Friends of the Topsfield COA, and TRIAD to expand programs and services exponentially as the town invested more heavily on the demographic that now comprises more than 30% of the population. Provided oversight during the development of and settling into space designated for senior citizens as part of a town hall expansion project. Shifted priorities quickly when a State of Emergency was declared by the Governor.

Town of Topsfield / Topsfield, MA

Topsfield Town Warden 2015-present
Under the direction of the Town Clerk, provide oversight each election day at Topsfield's polling site. Ensure that the ballots cast by up to 92% of active voters are treated properly and fully counted.

Town of Topsfield / Topsfield, MA

Topsfield Housing Authority 2013-2016
Worked with fellow board members to enter into a management agreement with another housing authority to streamline operations and advocated for residents in pursuit of a Memorandum of Understanding. Supported efforts for major "sills project" renovation.

Top Cupboard Food Pantry / Topsfield, MA

Treasurer/Board Member 2013-present
Worked alongside founders and recruited board members to convert local food pantry into a recognized 501(c)3 organization. Served as treasurer for four years, maintaining financial records, corresponding with donors, managing gift card program, and filing annual tax forms.

Town of Topsfield / Topsfield, MA

Town Clerk 2010-2013
Converted municipal office to digital age. Provided oversight for eleven elections. Volunteered as member of the Massachusetts Registry of Vital Records & Statistics' committee that was tasked with converting death records to electronic format. Continually assisted Town Hall visitors.

Town of Topsfield / Topsfield, MA

Council on Aging Board of Directors 2008-2010
Provided oversight of COA Director. Organized a Senior Expo for the Tri-Towns to address changing needs of residents and to increase awareness about support systems and organizations.

North Shore Community College / Danvers, MA

Program Development Specialist 2000-2006
Provided program development, expansion, and oversight of non-credit courses for *Kids to College*, *Parents to College*, *North Shore Academy*, and *Summer of Discovery* programs. Recruited, hired, and supervised a diverse staff of more than 75. Affiliated with *Kids to College Program* for 19 years.

EDUCATION

1989 Harvard Graduate School of Education Cambridge, MA
Ed.M., Teaching and Curriculum

1987 Bowdoin College Brunswick, ME
A.B., Graduated *summa cum laude* with honors in major of Biochemistry, minor in Economics

QUALIFICATIONS

Leadership:

- As Executive Director of Topsfield COA, expanded programs and services exponentially and quadrupled participation while being dislocated during a renovation/expansion project. Enhanced and developed targeted services and programs to keep Topsfield's senior/adult-disabled populations safe and thriving during the COVID pandemic.
- As president of West Point Parents' Club of MA, assembled a Leadership Team of 12 dedicated volunteers to enhance the USMA experience for over 100 families from greater Massachusetts.
- As a newly elected Town Clerk entering an empty office, quickly learned many of the 451 tasks assigned to the Town/City Clerks in MA General Law. Helped office thrive during period of significant change due to legislative mandates-conversion to electronic vital records, overhaul of Open Meeting Law, establishment of electronic voting (UOCAVA) for active duty military personnel and overseas citizens.

Project Managing/Event Planning:

- Managed relocation of Topsfield COA to permanent space in expanded Town Hall. Created signature events such as *Family & Friends Dinner* and *Octoberfest* as well as intergenerational activities with many partners throughout the community. Converted most activities/events to a virtual format within six weeks of a State of Emergency being declared in Massachusetts during a global pandemic.
- Worked with the 200th Committee to plan for the bicentennial celebration of the Essex Agricultural Society in 2018. Responsible for organizing meetings, soliciting project proposals, archiving materials.
- Worked in collaboration with American Legion Post 225 members for more than 6 years to coordinate Topsfield's Memorial Day and Veterans' Day celebrations.

Innovation:

- Inspired the formation of a Dementia Friendly Topsfield Task Force, which provided informational sessions for nearly 1000 people and guided the Topsfield Fair as it established itself as the first Dementia Friendly Agricultural Fair in America. When the COVID Crisis hit, the DFT quickly adapted its' mission to provide online resources to those caring for loved ones confronting memory challenges.
- Worked with archiving experts and historians to preserve 200 years of records, photographs, promotional materials and more for the Essex Agricultural Society.
- Transformed Youth Programs at NSCC by clearly delineating and rebranding programs that target different age groups (*Summer of Discovery, Parents to College, North Shore Academy*).

Grant writing, Fundraising and Budget Management:

- Secured Formula, Title III, and Cultural Council grants for Topsfield COA and partnered with Tri-Town Council to promote intergenerational activities following a grant-funded *Bridges Together* training.
- Secured grants to employ dozens of teens for 6 weeks in the *Summer of Discovery* program at NSCC.
- Recovered \$17K in overpayments to Verizon by the EAS after careful review of bills dating back 3 years.
- Managed department budget that had been slashed by 25% when assuming Town Clerk position by leveraging Senior/Veteran Tax Work-Off Programs, internships.

Public Relations and Marketing:

- For Topsfield Council on Aging, rebranded to TopsCOA and assisted with selection of a new logo, designed newsletters, website content, newspaper articles, and social media posts to generate awareness and excitement about programs and services. When the pandemic struck, worked with the Friends of the Topsfield COA to launch the Birthday Greeting Initiative to provide vital contact info.
- For the West Point Parents Club of MA, consolidated information into newsletter format and collaborated to upgrade website and correspondence methods.
- For Youth Programs at NSCC, prepared all promotional materials and provided content for website.

Dedication:

- As Topsfield's COA Director & Town Clerk, often assisted clients with issues outside of business hours.
- Volunteering for Town of Topsfield on multiple boards/committees for over 25 years.
- Serving Bowdoin College as Class Agent/Fund Dir./Alumni Council Member for more than 29 years.
- Associated with *Kids to College* program at NSCC for 19 years.

REFERENCES

Available upon request.



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

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NEWBURYPORT, MA
2021 JAN 19 PH 3:46

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Subject: Appointment
Date: January 19, 2021

Donna D. Holaday

I hereby appoint, subject to your confirmation, the following named individual as an associate member of the Zoning Board of Appeals. This term will expire on February 28, 2026.

Gregory L. Benik
15 Woodland Street
Newburyport, MA 01950

Gregory L. Benik

15 Woodland Street
Newburyport, MA 01950
E-Mail: gbenik@jreri.com
(401) 480-2782

December 2, 2020

Hand Delivered

The Honorable Donna D. Holaday
Mayor of the City of Newburyport
60 Pleasant Street
Newburyport, MA 01905

Re: Newburyport Zoning Board of Appeals

Dear Mayor Holaday:

Please accept this request to be considered for the open position on the Newburyport Zoning Board of Appeals. I have included my CV with this letter.

Although a relatively new member of the City (my wife, Tina, and I moved here in the fall of 2018), I have been impressed by the community's energy and commitment to good government.

Given my background and experience, I believe I would be able to make a positive contribution to the Zoning Board's important work. Specifically, as a real estate and environmental lawyer with over 40 years' experience, I have represented numerous clients before local zoning, coastal zone, wetlands and planning boards and commissions, as well as federal and state environmental and land use authorities. Particularly relevant is my previous appointment to the Providence Capital Center Commission. The Commission is responsible for the development- in accordance with its Design and Development Standards- of a 79-acre redevelopment in the heart of downtown Providence.

Thank you for your consideration.

Please let me know if you have any questions.

Very truly yours,



Gregory L. Benik

Gregory L. Benik, Esq.
15 Woodland Street
Newburyport, MA 01950
gbenik@jreri.com

Gregory L. Benik is a nationally recognized land use, environmental and energy attorney with over 40 years' experience. Mr. Benik is currently Executive Vice President and General Counsel at Homeland Fuels Company, LLC where he is responsible for its legal and regulatory activities. Homeland Fuels is an innovative energy company that utilizes advanced conversion technologies to process renewable cellulosic biomass feed stock into synthetic, ultra- clean transportation fuels.

During his legal career in private practice, Mr. Benik represented major chemical, pharmaceutical, real estate, manufacturing, utility and energy companies and has obtained extensive experience and expertise in siting, developing and permitting complex energy and infrastructure projects. His experience includes extensive involvement in the siting, development and permitting of gas and coal-fired power plants, LNG facilities, hazardous and solid waste incinerators, and natural gas and water pipelines.

Prior to joining Homeland, Mr. Benik was a partner at Nixon Peabody LLP and formerly a partner and co-chair of the National Environmental Practice Group at Holland & Knight LLP. He also currently represents a limited number of long-term clients through his practice with Benik & Associates P.C.

Mr. Benik has been involved with not- for- profit organizations for over 30 years, most recently serving on the Board of Directors of Social Venture Partners (Boston, MA). His prior not for profit experience includes serving on the Boards of the Providence Capital Center Commission, The Providence Foundation, Goodwill Industries of RI and Festival Ballet of R.I.

During his career, Mr. Benik has been recognized by numerous professional peer review organizations, including The Best Lawyers in America, The International Who's Who of Environmental Lawyers, and Who's Who Legal: USA. He also received the ACLU (RI Chapter) Civil Libertarian of the Year Award for his work on behalf of death row inmates.

Mr. Benik received his A.B. from Lafayette College and his J.D. from Case Western Reserve Law School.



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

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2021 JAN 20 PM 3:12

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

Donna D. Holaday

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Subject: Appointment
Date: January 19, 2021

I hereby appoint, subject to your approval, the following named individual as a member of the Zoning Board of Appeals. This term will expire on February 28, 2026.

Ken Swanton
10 Tremont Street
Newburyport, MA 01950

Municipal Volunteer Resume

Ken Swanton

10 Tremont St. Newburyport
978-502-7899
swantonk@gmail.com

Objective: Appointment as Associate Member of the Newburyport Zoning Board of Appeals

Municipal Volunteer Experience

I have enjoyed volunteering in municipal roles while living in two communities that are adjacent to each other, where I emphasized consensus building, as all major things were always accomplished by teams.

Town of Harvard, MA 2010-2018

- **Board of Selectman**, four years, one as chair, twice elected. Learned a lot about municipal finance and organizations and balancing budgets. Worked closely on several municipal building projects including town hall, senior center and school.
- **Historical Commission**, four years, three as chair - balanced preservation and being reasonable.

Town of Bolton MA 1982-2009

The booming industry on Route 495 greatly impacted this quiet semi-rural (like Newbury) town

- **Planning Board**, six years, twice as chair - led the crafting of much of the town's zoning bylaws
 - **School Committee**, three years, one as chair - enhanced funding for teachers
 - **Conservation Trust**, ten years, two as chair - led the permanent preservation of six large farms
 - **Master Plan Steering Committee**, two years, both as chair - led first plan update in 25 years
 - **Conservation Commission**, three years
-

Professional Experience

Now retired from a long career in the high tech industry.

- **Broadcast Pix**, 12 years, all as CEO, founder. Invented, manufactured and sold computerized live video production systems. Still serve on its Board of Directors.
- **ECHOLab**, 4 years, all as CEO. Innovative manufacturer of live video production equipment
- **Digital Equipment Corporation**, 17 years. Held senior positions in marketing, finance and planning, including Vice President, of this very large computer company.

Education

- **Harvard University** MBA 1975
- **MIT** BS 1973

January 15, 2020



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

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NEWBURYPORT, MA
2021 JAN 19 PM 3:37

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Subject: Confirmatory Appointment
Date: January 19, 2021

A handwritten signature in blue ink, reading "Donna D. Holaday", is written diagonally across the right side of the page.

I hereby appoint, subject to your confirmation, the following named individual as a member of the Zoning Board of Appeals. This term will expire on May 31, 2025.

Stephen G. DeLisle
195 High Street
Newburyport, MA 01950

STEPHEN G. DELISLE

195 High Street • Newburyport, MA 01950 • (617) 620-0251 • delisle.stephen@gmail.com

EXPERIENCE

RUBIN AND RUDMAN LLP – Boston, MA

April 2003 – Present

Partner, Real Estate Department

- Represent clients in commercial leasing transactions, including retail, office and industrial uses. Clients include national retailers and regional owners as well as operators and managers of commercial real estate. Additional representation of clients in the acquisition, disposition and financing of commercial real estate.
- Counsel to debtors, creditors, creditors' committees, and trustees in complex bankruptcy matters involving real estate. Debtor and creditor clients include banks and other lending institutions, Fortune 500 companies, closely held businesses, and individuals.
- Represent banks and other lending institutions, Fortune 500 companies, closely held businesses, and individuals in commercial disputes, U.C.C. matters and specialized transactional matters.
- Bankruptcy experience includes negotiation and development of Chapter 11 plans of reorganization; acquisition and disposition of assets through Section 363 of the Bankruptcy Code; acquisition of debtor-in-possession financing; usage of cash collateral; and requests for modification of automatic stay.
- Transactional experience includes formation of business entities; and negotiation and drafting of commercial agreements, merger agreements and related documents, commercial loan documents, and modifications to commercial loan documents in connection with work-outs or restructurings.

FORD MARRIN ESPOSITO WITMEYER & GLESER – New York, NY

Sept. 2001 – April 2003

Associate, Litigation Group

- Practiced in the areas of commercial litigation, environmental litigation, and insurance coverage litigation.
- Drafted discovery documents, motions, and legal memoranda in complex litigations.

EDUCATION

WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW – Lexington, VA

Juris Doctor, May 2001

Activities: *Race and Ethnic Ancestry Law Journal*, Student Articles Editor

Moot Court, Negotiation, Client Counseling, and Mock Trial Competitions.

BLACK LUNG LEGAL PRACTICE CLINIC – Lexington, VA

Aug. 2000 – May 2001

Caseworker. Competitively selected to participate in clinical program representing coal miners suffering from pneumoconiosis in Department of Labor administrative proceedings.

BATES COLLEGE – Lewiston, ME

Bachelor of Arts, English Literature, June 1995

Senior Thesis: "The *Bildung* of the Hero: Amory Blaine and Stephen Dedalus"

Activities: Lacrosse – Four-year letter winner.

AFFILIATIONS

- Admitted in Massachusetts, New York, United States District Courts for the Districts of Massachusetts, and the Eastern and Southern Districts of New York.
- Massachusetts Bar Association and Boston Bar Association.

SKILLS AND INTERESTS

Proficient in written and spoken French. Enjoy fly-fishing, skiing, and mountain biking.



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

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60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: January 19, 2021

Subject: Re-Appointment

A handwritten signature in blue ink, reading "Donna D. Holaday", is written diagonally across the right side of the document, overlapping the "From:" and "Date:" fields.

I hereby re-appoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on February 1, 2024.

Mark A. Rosen
20 Fair Street
Newburyport, MA 01950



Mark A. Rosen
3 Pine Street
Newburyport, MA 01950

978-764-4364
mark.rosen@yahoo.com

Grew up in Marblehead, MA. Graduated Marblehead High School Class of 1969.

Graduated American University, BS General Sciences, Washington, DC. 1974

1974 – 1977 Travel and discovery.

Post-graduation embarked on a discovery period seeking business opportunities and travelling. Spent a year working on the Alaska Pipeline living above the Arctic Circle at Prudhoe Bay.

1978-1986 Joined 3 early stage high-tech companies.

Moving back to the Boston area, discovered an opportunity to join the new personal computer industry.

MIT'S COMPUTER CENTER, the first business microcomputer sales office in New England.

Selling early microcomputers configured with software to be the most affordable small business systems yet available.

CONSUMER COMPUTER MARKETING, the first New England based Apple computer distributor and retailer.

Vice President Retail Sales and Operations in charge of store operations.

LOTUS DEVELOPMENT CORP, startup that developed the first productivity tool, Lotus 1-2-3, for the IBM PC.

Director of Retail Channel Sales coordinating partnerships with major national retailers of microcomputers and software.

1986 -1998 Entrepreneurial Ventures:

Founded 3 businesses: Custom Tile and Pottery Distribution, Retailing and Manufacturing.

COUNTRY TILE AND THE FLOOR COMPANY, Retailing high end ceramic tile and flooring.

Founder and Manager.

AMERICAN ART TILE, national distributor of custom made art tile.

Founder and manager of 4 salespeople representing our products.

PAULA ESTEY DESIGNS, Manufacturer of handmade ceramic housewares.

Co-Founder, Sales and Operations manager. Customer base comprised of retailers, department stores, QVC, and more.

1999-2010 Returned to software industry

Joined 3 start-up software companies as an inside sales executive.

2010-Present Real Estate Agent and Broker

Most recently teamed up with a successful agent to build a team of agents. My role is as an entrepreneur developing agents' skills and creating unique customer service products.

Other Activities

Unity on the River, Amesbury, MA 2002-2012 *Manager of audio/visual services.* Volunteer position, managing and operating the sound and projection systems for Sunday services for 10 years.

Board Member, Newburyport Clean Tech Center, June 2013- 2015 *Chairman of real estate committee*

Volunteer, The Village of Greater Newburyport, 2017-Present, *Volunteer, Community Service*

Mayor Donna Holaday's Re-election Committee, 2017, *Volunteer coordinator*

Paula Estey Gallery, Newburyport. Assisting life partner Paula Estey in the management and growth as it begins a transition to a non-profit organization "The PEG Center for Art and Activism" and The Women in Action Huddle of Greater Newburyport.

EDUCATION

Marblehead High School, 1969

The American University, Washington, DC BS. 1974

Northeastern University, Supervisor Management Development

Xerox Professional Selling Skills Course



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2021 JAN 19 PM 3:37

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

Donna D. Holaday

To: President and Members
of the City Council

From: Donna D. Holaday, Mayor

Date: January 19, 2021

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on March 1, 2024.

Michael Dissette
44 Jefferson Street
Newburyport, MA 01950

Michael J. Dissette
44 Jefferson Street
Newburyport, MA 01950
978-270-1099
mjdissette@gmail.com

PROFILE

An accomplished attorney with significant experience in commercial and residential real estate transactions, land use, permitting and construction law. Possesses extensive knowledge of public procurement and public construction processes and a proven ability to negotiate and document transactions to successful outcomes. A trusted community leader known for building consensus among diverse stakeholders.

PROFESSIONAL EXPERIENCE

Glovsky & Glovsky LLC, Beverly, MA 2015 – 2020

Advised owners and developers in all aspects of commercial and residential real estate transactions involving acquisitions, sales, leases, construction, land use, zoning and permitting. Achieved AV Preeminent Martindale-Hubbell Lawyer Rating.

TR Advisors, LLC, Boston, MA 2012 – 2015

Senior Counsel to firm providing real estate consulting and management services to public agencies with emphasis on Transit Oriented Development. Advised and supported project managers on legal issues and documents related to the acquisition, disposition and management of public real property assets. Interfaced with public agency managers and General Counsel.

City, Hayes & Dissette, P.C., Boston, MA 1986 - 2012

- Construction Law: Represented general contractors, subcontractors, owners, design professionals, and suppliers in contract drafting and negotiation, claims analysis and resolution through mediation and litigation, prosecution and defense of performance and payment bond claims and mechanic's liens, and public construction administrative proceedings for bid protests. Developed broad knowledge of public procurement and construction statutes, construction means and methods and contract terms for all forms of delivery of construction services.
- Acknowledged: *Boston's Top-Rated Lawyers* 2012 Edition in Construction Law.
- Publications and Presentations: *Construction Contracting for Public Entities in Massachusetts*, Lorman Educational Services, 2000. *Construction Lien Law*, Lorman Educational Services, 2001.

Gordon & Dissette (formerly Gordon & Kaufman), Philadelphia, PA 1974 – 1986

- General civil practice: litigation, real estate, estate and trust administration.

MEMBERSHIPS AND AFFILIATIONS

The Bar of Massachusetts, Florida (inactive) and Pennsylvania (inactive)

The Real Estate Bar Association for Massachusetts

Newburyport, MA Community Preservation Committee (Chair, 2002 - Present)

Newburyport, MA Open Space Committee 2000 - Present

EDUCATION

Villanova University School of Law, Villanova, Pennsylvania, J.D. 1974

University of Pennsylvania, Philadelphia, Pennsylvania, B.A. 1970

**END OF CONSENT AGENDA
BEGINNING OF REGULAR AGENDA**

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

Appointments

- APPT209_01_11_2021 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 01/31/2023

Re-Appointments

- APPT211_01_11_2021 Susanne Cameron 5 Milk St Affordable Housing Tr. 01/01/2023
- APPT212_01_11_2021 Jill Brennan 24 Webster St., Haverhill Assessor 01/01/2024
- APPT213_01_11_2021 Joseph Sederquist 2 Wightman Rd. Wilmington Asst. Harbormaster 12/31/2023
- APPT214_01_11_2021 Lori Bunyan 96 Lime St. Human Resources Dir. 01/01/2024

In City Council January 11, 2021:

Motion to Approve Consent Agenda as Amended by Councillor Zeid, seconded by Councillor Khan. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 25, 2021

Be it ordained by the City Council of the City of Newburyport as follows:

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of a perpetual Preservation Restriction (PR) between the City, acting through the Newburyport Historical Commission (NHC), and Theodore R. and Jenny K. Nelson as Trustees of 190 High Street Nominee Trust II, for the property located at 190 High Street, said PR to be substantially in the form submitted to and approved by vote of the NHC at its meeting on December 10, 2020, and as further reviewed and approved by the Massachusetts Historical Commission (MHC).

; and

Further, that the Mayor of the City of Newburyport, the City Council President and City Clerk are hereby authorized to sign the subject Preservation Restriction as may be required, to act on behalf of the City and enter into any and all instruments, including acceptance of said Preservation Restriction in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Preservation Restriction accordingly.

Councilor Heather L. Shand



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

September 22, 2020

Ted Nelson
190 High St
Newburyport MA 01950

RE: Preservation Restriction Agreement, 190 High St (aka Morse House and Carriage Barn), Newburyport, Massachusetts (MHC #NWB.38)

Dear Mr. Nelson:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the revised draft preservation restriction agreement submitted September 18, 2020 in response to the MHC's comment letter of September 10, 2020. The following comments are provided under the MHC's approval authority for preservation restrictions under M.G.L. Chapter 184, Section 32.

The MHC is prepared to approve the preservation restriction agreement for the Morse House and Carriage Barn, 190 High Street, Newburyport, Massachusetts. Once the final agreement has been approved and executed by all parties the complete original agreement including all exhibits (or multiple originals if they are created) should then be forwarded to the MHC for its signature approval. We will return the approved agreement to you for recording at the Registry of Deeds.

Before submitting to MHC please review the executed agreement to confirm that all notary signature verifications have been correctly executed, as notary errors and omissions are common, and MHC will not approve agreements with any irregularities in the signature verifications.

MHC recommends that if possible the baseline photograph pages of Exhibit D be printed using an archival rated ink-jet printer on non-glossy photo stock or presentation paper. MHC uses a (now discontinued) Epson Photo Stylus R1800; current equivalent model appears to be the Epson's SureColor P700. This quality printing is not readily available commercially to our knowledge. MHC could assist in producing these pages from a pdf file.

220 Morrissey Boulevard, Boston, Massachusetts, 02125
(617) 727-8470 * (617) 727-5128 fax
www.sec.state.ma.us/mhc

Please feel free to contact me with any questions regarding the comments included in this letter.

Sincerely,

Michael Steinitz

Michael Steinitz
Deputy State Historic Preservation Officer
Director, Preservation Planning Division
Massachusetts Historical Commission
220 Morrissey Blvd
Boston MA 02125
617-727-8470
617-727-5128 (fax)
michael.steinitz@sec.state.ma.us

Working remotely – please use email (15 mb limit) or
978-836-2438 (cell).

Xc (by email): Andrew Port, Newburyport Office of Planning and Development
Katelyn Sullivan, Newburyport Office of Planning and Development
Glenn Richards, Chair, Newburyport Historical Commission

PRESERVATION RESTRICTION AGREEMENT

between

**THEODORE R. AND JENNY K. NELSON
AS TRUSTEES OF 190 HIGH STREET NOMINEE TRUST II**

and the

CITY OF NEWBURYPORT, MASSACHUSETTS

BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION

THIS PRESERVATION RESTRICTION AGREEMENT is made this _____ day of _____, 2020 by and between Theodore R. and Jenny K. Nelson as Trustees of 190 High Street Nominee Trust II, located at 190 High Street, Newburyport, Massachusetts. 01950 ("Grantor"), and the CITY OF NEWBURYPORT ("**Grantee**"), a municipality duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, to be administered, managed and enforced by it agent, the NEWBURYPORT HISTORICAL COMMISSION, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950 ("**Commission**"),

WHEREAS, the Grantor is the owner of certain real property located at 190 High Street, Newburyport, Massachusetts containing about 9,000 square feet, combining the Main House and the Carriage House, more or less, comprising the property conveyed by Theodore R. and Jenny K. Nelson, to Theodore R. Nelson and Jenny K. Nelson, as Trustees of 190 High Street Nominee Trust II in a deed dated April 28, 2000, recorded with the Southern Essex District Registry of Deeds, book 16313, page 449 (hereinafter the "Property"), and more particularly described in Exhibit A incorporated herein by reference and attached hereto, said Property including a Main House and Carriage House, referred to hereinafter as "**the Buildings and Property**", described as follows:

1803 Federal period Main House on 190 High Street

1803 Carriage House at back of driveway as part of larger 190 High Street Property

The Main House is rectangular in plan and has a three-story, Federal mansion block-style, hip-roof ell set back on the northeast elevation. Much plainer than the main block, the date of this addition is not known. The main block, five bays wide by three bays deep on the northwest elevation but five on the southeast, rises to a high, deck-on-hip-roof that is higher than others of its period, a feature that was transitional from the earlier, heavier Georgian style. Flat-roofed dormers appear on all four elevations, those of the facade and rear elevation are filled with two windows, the dormers of the side elevations contain single 6/6 windows. All windows but those of the rear of the ell are finished with exterior shutters.

Windows are 6/6; on the first floor they have tall crown molds, and on the second floor they nearly touch the deep bed mold of the boxed cornice. The house is finished with wide corner boards and a deep sill. A pedimented side entrance in the third bay of the southeast elevation features engaged, half-round Doric pilasters supporting an entablature with metopes and triglyphs. A new porch with fine Federal style rail links the main block and three-story ell. A flat-roof porch is located across the southeast elevation of the ell.

The most distinctive feature of the Main House is the fine central entry of the facade. It is reached by wide granite stairs and sheltered under a portico of slender, fluted Doric columns and pilasters. They support an entablature and flat roof. The six-panel door has a surround that features finely reeded pilasters, an elliptical fan in a delicate leaded glass design with carved ornaments and a keystone in its wide surround. One-half length leaded glass sidelights with rosette-decorated ovals and circles complete this elaborate composition.

The ell has an entry in the first of the two-bay facade on the southeast. It is one bay on the southwest elevation. On the northeast or rear elevation of the ell the fenestration is asymmetrical: on the first floor the three bays contain a probably contemporary door, a wide, contemporary "bump-out" and a window. The door in the first bay leads to a contemporary deck and stairs. Of the three bays of the second floor of the ell the third bay contains a smaller, fixed-pane window, probably a twentieth century alteration.

The three-bay rear elevation of the main block contains another contemporary glassed entry vestibule and two original windows that are topped with high crown molds. The three second floor windows are repetitions of those on the facade and side elevations.

The Carriage House is a two-story structure with high hip roof with an offset two-story pavilion containing a windowless cross-gable wall dormer that still holds the lift for the hayloft opening below it. The opening has been altered as a window. One garage door is below the hayloft, while the western side of the front elevation has a contemporary, copper clad entry portico.

Like the Main House, the Carriage House has 6/6 sash. The side and rear elevations contain three bays. A probably original ventilator is set into the left side of the roof and two contemporary skylights are set on the slope of the southeast elevation.

(From "Architectural Description", Massachusetts Historical Commission Inventory Form B for 190 High Street prepared by Pauline Chase Harrell, dated March 2004; edited to reflect subsequent alterations of the Buildings).

WHEREAS, the cultural, historical and architectural significance of the Buildings and Property emanate from their construction in 1803, and their location as a contributing property within the Newburyport Historic District, designated August 2, 1984 and listed on State and National Registers of Historic Places. The Buildings and Property are important for their associations with the social and religious history of Newburyport, and to the public's enjoyment and appreciation of Newburyport's architectural and historical heritage; and

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter "preservation values") and significance of the Buildings and Property, and have the common purpose of preserving the aforesaid preservation values and significance of the exterior of the Buildings and Property; and

WHEREAS, the preservation values of the Buildings and the Property are documented in a series of photographs and documents (hereinafter, "Baseline Documentation") incorporated herein and attached hereto as by reference as Exhibit B, which Baseline Documentation the parties agree provides an-accurate representation of the Buildings and Property as of the date of this grant; and

WHEREAS, the Baseline Documentation (Exhibit B) shall consist of the following:

1. Exhibit A – Legal Property Description

2. Exhibit B – Newburyport Assessors' Parcel Map with Building Footprints
3. Exhibit C – Massachusetts Historical Commission Inventory Form B's dated March 2004 and August 1980
4. Exhibit D – 12 Photographs dated July 2019 and July 2020

WHEREAS, the Buildings and Property have been restored and has been maintained at a high level over the past 20+ years by owners Ted and Jenny Nelson who have demonstrated a personal commitment to conservation principles; and

WHEREAS, the preservation of the Buildings are important to the public for the enjoyment and appreciation of its architectural and historical heritage and serves the public interest in a manner consistent with the purposes of Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 ("Act"); and

WHEREAS, on or about March 2016 the Grantor's applied for a Special Permit pursuant to Section VI-C of the Zoning Ordinance and as a condition of said permit the Grantor has agreed to impose a restriction on the Buildings and Property for the preservation and renovation of the aforementioned Buildings, under the terms and conditions set forth herein and in such other documents as the parties may execute (the "Restriction" or "Preservation Restriction"); and

WHEREAS, said Special Permit was allowed by the City of Newburyport Planning Board on May 10, 2016 and recorded with the Essex South District Registry of Deeds on September 15, 2017 in Book 36,180, Page 432 as Exhibit E incorporated herein and attached hereto; and

WHEREAS, the Grantors, in further consideration of the receipt of such Special Permit and to ensure the preservation of the aforementioned Buildings, agrees and desires to impose certain restrictions, obligations and duties upon themselves, their successors and assigns, so as to maintain, protect and preserve the architectural and historical integrity of the exterior of the Buildings and Property; and

WHEREAS, the preservation of the Buildings and Property is important to the public for the enjoyment and appreciation of their architectural and historical heritage and serves the public interest in a manner consistent with the purposes of the General Laws, Chapter 184, Section 31, 32 and 33 (the "Act"); and

WHEREAS, the Commission is authorized to accept preservation restrictions in the name of the City of Newburyport and the Commission is a governmental body duly organized under the laws of the Commonwealth of Massachusetts, including the General Laws, Chapter 40, Section 8d authorized and directed by the Grantee to manage the Buildings and Property burdened by such restrictions, consistent with the provisions of the Act and to administer and enforce this preservation restriction;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby irrevocably grant and convey to the Grantee in gross in perpetuity this Restriction over the exterior of the Buildings and Property to be administered, managed and enforced by the Commission.

1. Purpose: It is the Purpose of this Restriction to assure that, the architectural, historic, and cultural features of the exterior of the Buildings and Property will be retained and maintained forever substantially in their current condition or in a restored condition approved by the Commission for preservation purposes and to prevent any use or change of the Property or the exterior of the Buildings that will significantly impair or interfere with the Building's preservation values or alter views of the exterior of the Buildings.

2. Preservation Restriction: The Grantor grants the Grantee the right to forbid or limit:

- a. Any alteration to the appearance, materials, workmanship, condition or structural stability of the street-facing south elevation and east and west side elevations of the Main House and the south, west and east facade of the Carriage House unless (i) clearly of minor nature and not affecting the characteristics which contribute to the architectural or historical integrity of the Buildings and the Property, or (ii) the Grantee has previously determined that it will not impair such characteristics after reviewing plans and specifications submitted by Grantor in accordance with the requirements of paragraph 7, which determination shall not be unreasonably withheld, or (iii) required by casualty or other emergency promptly reported to Grantee in accordance with the requirements of paragraph 9. For the purposes of this Agreement, interpretation of what constitutes alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines, which are attached hereto as Exhibit F and hereby incorporated by reference.

3. PARAGRAPH 3 HAS BEEN PURPOSEFULLY OMITTED FROM THIS DOCUMENT

4.1. Grantor's Covenants: Covenant to Maintain. Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor covenants and agrees at all times to maintain the Buildings in the same structural condition and state of repair to that existing. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor whenever necessary to preserve the exterior of the Buildings. Subject to the casualty provisions of paragraphs 9 and 10, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the Buildings whenever necessary in accordance with the policies and procedures of the Commission and in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 CFR 67 and 68), as these may be amended from time to time (hereinafter the "Secretary's Standards").

Grantor's covenant herein shall be limited to funds reasonably available therefore. Should the parties disagree as to the need of maintenance or the availability of funds the matter may be submitted by either party for arbitration pursuant to the Massachusetts arbitration statute then in effect.

4.2. Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden except as otherwise conditioned in this paragraph:

- a. the Buildings shall not be demolished, removed, or razed except as provided in Paragraphs 9 and 10;
- b. the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property near the Buildings;
- c. no above-ground utility transmission lines, except those reasonably necessary for the existing Buildings, may be created on the Property, subject to utility easements already recorded;
- d. Subject to such Grantor's reserved rights as specified in Paragraph 6, no additions to the Buildings and/or outbuildings may be attached to the Buildings without prior approval of the Commission; and
- e. moving the Buildings to another location shall be forbidden without prior approval of the Commission.

5. Conditional Rights Requiring Grantee Approval: Subject to Paragraphs 4 and 6 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor shall not alter the Buildings without prior express written approval of the Commission. Without said approval Grantor shall not make any changes to the street-facing south elevation and east and west side elevations of the Main House or the south, west or east façade of the Carriage House, including the alteration, partial removal, construction, remodeling, or other physical or structural change, including permanent signs, and any change in material or color or any change to the footprint, size, mass, ridge-line, and rooflines of the Buildings. Grantor shall similarly not make any alterations to the surrounding Property that would obscure the current view of the Buildings, such as the installation of permanent signage or trees or very large shrubs without approval of the Commission.

Activities by Grantor to maintain the Buildings and the Property which are intended to be performed in accordance with the provisions of paragraph 4.1, and which are of a minor nature, shall not require the prior approval of the Commission. For the purposes of this section, interpretation of what constitutes ordinary maintenance of a minor nature is governed by the Restriction Guidelines (Exhibit F), which are attached to this Agreement and hereby incorporated by reference.

6. Grantor's Reserved Rights Not Requiring Further Approval by the Grantee: Subject to the provisions of paragraphs 2 and 4.2, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by the Commission without prior review and approval by the Commission:

- a. the right to engage in all those acts and uses that:
 - (i) are permitted by governmental statute or regulation;
 - (ii) do not substantially impair the preservation values of the Buildings and Property; and
 - (iii) are not inconsistent with the Purpose of this Restriction;
- b. pursuant to the provisions of Paragraph 4.1, the right to maintain and repair the Buildings strictly according to the Secretary's Standards. As used in this sub-paragraph, the right to maintain and repair shall mean the use by the Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the exterior of the Buildings. The right to maintain and repair as used in this sub-paragraph shall not include the right to make changes in appearance, materials, workmanship from that existing prior to the maintenance and repair without the prior approval of the Commission in accordance with the provisions of Paragraph 5;
- c. The Grantor shall have the right to make certain specific non-historic modifications as described below at the point in time in which necessary repair and maintenance is required:

The north elevation (rear) only of the Carriage House shall be permitted to have the addition of a deck, a mandatory rear exit door and windows in a historically correct style, if/when Grantor chooses to make these changes.

All exterior alterations to the south facade, east and west elevations and roof of the Main House shall be subject to review by, and approval of, the Newburyport Historical Commission prior to any building permits being issued and prior to such alterations being implemented, with the following exceptions only:

- i. The Grantor shall be permitted to make additional modifications to the north side elevation (the rear of the house), in a modern style in keeping with recent changes, as needed/desired. "Modifications" is here understood to include such things as the arrangement of decks, windows, doors and stairs; but not major alterations such as an addition or roof line modification.
- ii. The Grantor shall be permitted to create a parking area on the east elevation of the Main House, per the special permit requirements. This will require relocating some of the granite landscaping and eliminating the current stone path.
- iii. The Italianate-style tower on the north east corner of the Main House presents a maintenance challenge given its location, height and dimensions. In this location only, the Grantor shall be permitted to install HardiePlank or similar cementitious siding in lieu of wood clapboarding. Such cementitious siding shall be smooth-finished and shall match the profile, dimensions, size and application style of the existing wood siding.

7. Review of Grantor's Requests for Approval: Grantor shall submit to the Commission for the Commission's approval of those conditional rights set out at Paragraphs 2 and 5 two copies of information (including plans, specifications, and designs where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to the Commission a timetable for the proposed activity sufficient to permit the Commission to monitor such activity. Within forty-five (45) days of the Commission's receipt of any plan or written request for approval hereunder, the Commission shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case the Commission shall provide Grantor with written suggestions for modification or a written explanation for the Commission's disapproval. Any failure by the Commission to act within forty-five (45) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by the Commission of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time provided that nothing herein shall be construed to permit Grantor to undertake any of the activities prohibited hereunder.

8. Standards for Review: In exercising any authority created by this Restriction to inspect the Buildings; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Buildings following casualty damage, the Commission shall apply the Secretary's Standards.

9. Casualty Damage or Destruction: In the event that Buildings or Property shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement or other casualty, Grantor shall notify the Commission in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Buildings and Property and to protect public safety, shall be undertaken by Grantor without the Commission's prior written approval of the work. Within ninety (90) days of the date of damage or destruction, if required by the Commission, Grantor at its expense shall submit to the Commission a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Grantor and the Commission, which report shall include the following:

- a. an assessment of the nature and extent of the damage;
- b. a determination of the feasibility of the restoration of the Buildings and/or reconstruction of damaged or destroyed portions of the Buildings; and
- c. a report of such restoration/reconstruction work necessary to return the Buildings to the condition existing at the date hereof or the condition subsequently approved by the Commission.

10. Review After Casualty Damage or Destruction: If, after reviewing the report provided in Paragraph 9 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and the Commission shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Buildings in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that restoration/reconstruction of the Buildings is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction Grantor may, with prior written consent of the Commission, alter, demolish, remove or raze the Buildings, and/or construct new improvements on the Property, Grantor and Grantee may agree to seek to extinguish this Restriction in accordance with the laws of the Commonwealth of Massachusetts and paragraph 23 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts arbitration statute then in effect, and all other applicable laws, rules, regulations, and ordinances. Arbitrator shall have experience in historic preservation matters.

11. Insurance: Grantor shall keep the Buildings insured by an insurance company rated "A" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Property damage insurance shall include change in condition and Buildings ordinance coverage, in form and amount sufficient to replace fully the damaged Buildings without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to the Commission, within ten (10) business days of the Commission's written request thereof, certificates of such insurance coverage. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgage/lender to the insurance proceeds.

12. Indemnification: Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend, at its own cost and expense, Grantee, its boards, commissions, appointees, agents, directors, employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses and expenditures (including attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Buildings; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance or

regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or other damage occurring on or about the Buildings; unless such injury, death, or damage is caused by Grantee or its boards, commissions, appointees, agents, directors, employees, or independent contractors. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien.

13. Written Notice: Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing;

Grantor: Ted and Jenny Nelson
190 High Street
Newburyport, MA 01950

Grantee: City of Newburyport
c/o Newburyport Historical Commission
60 Pleasant Street, P.O. Box 550
Newburyport, MA 01950

Each party may change its address set forth herein by a notice to such effect to the other party.

14. Evidence of Compliance: Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidence the status of this Restriction to the extent of Grantee's knowledge thereof.

15. Inspection: With the consent of Grantor, Grantee or its representatives shall be permitted at reasonable times to inspect the Buildings and the Property on an annual basis. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

16. Grantee's Remedies: The Grantor, for itself, its assigns and successors, expressly acknowledges that a violation of this Preservation Restriction Agreement, may result in the Commission exercising its right to enforce the terms and conditions of the Restriction by seeking appropriate legal and equitable relief, including, but not limited to, restoration of the Buildings, and such other legal and equitable remedies as may be available to the Commission to effectuate the purposes of this Restriction and to enforce the Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for any costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including all court costs, and attorneys', architectural, engineering, and expert-witness fees. Grantor shall, at its own expense and with approval of Commission, reverse any actions or activities which violated this restriction and altered the Buildings.

Nothing in this Restriction shall impose upon the Commission any duty to maintain or require that the Buildings be maintained in any particular state or condition, notwithstanding the Commission's acceptance hereof, enforcement of the terms of this Preservation Restriction shall be at the discretion of the Commission. Any election by the Commission as to the manner and timing of the exercising of its right to enforce this Preservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights. By its acceptance of this Preservation Restriction, the Commission does not assume any liability or obligation relating to the condition of the Buildings or the Property, including compliance with hazardous materials or other environmental laws and regulations.

17. Notice from Government Authorities: Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Buildings or Property received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

18. Notice of Proposed Sale: Grantor shall promptly notify Grantee in writing of any proposed sale of the Property and provide the opportunity for Grantee to explain the terms of the Restriction to potential new Grantors prior to sale closing.

19. Runs with the Land: Except as provided in Paragraphs 9 and 10, the restrictions, obligations and duties set forth in this Restriction shall run with the Property and shall inure to the benefit of the Commission and all parties claiming by, through or under the Commission and shall bind the Grantor and all parties claiming by, through or under the Grantor. The rights hereby granted to the Commission constitute the perpetual right of the Commission to enforce this Preservation Restriction Agreement. The Grantor hereby covenants for itself to stand seized and hold title to the Property subject to the terms of this Restriction. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor", "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, Grantor of the Property shall have no obligation pursuant to this instrument where such Grantor shall cease to have any grantorship interest in the Property by reason of a bona fide transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

20. Assignment: Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national charitable corporation or trust that qualifies under the Act, and whose purposes, inter alia, are the preservation of buildings or sites of historical significance, provided that any such conveyance, assignment or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out. Grantor shall give prior written approval of such conveyance, assignment, or transfer by Grantee, such approval not to be unreasonably withheld.

21. Alternate Designee: Grantee may, at its discretion, remove and replace the Commission as its designee to administer, manage, and enforce this Restriction, provided that any new designee is qualified as such under the Act and other applicable law.

22. Recording and Effective Date: Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this Restriction which shall become effective upon its being duly executed by the Grantor, the City of Newburyport, and the Newburyport Historical Commission, its being approved by the Massachusetts Historical Commission, and its being recorded with the Southern Essex District Registry of Deeds.

23. Extinguishment: Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Property may make impossible the continued grantorship or use of the Property for the

Purpose of this Restriction and necessitate extinguishment of the Restriction. Such a change in conditions may include, but is not limited to, partial or total destruction of the Buildings resulting from casualty. Such an extinguishment must meet all the requirements of the Act for extinguishment, including approvals following public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such extinguishment is in the public interest. In the event of a sale of the Property, net proceeds of sale shall be paid to Grantor.

24. Condemnation: If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid to Grantor.

25. Interpretation: The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction:

- a. Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Property shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to affect its Purpose and the transfer of rights and the restrictions on use contained herein.
- b. This instrument may be executed in two counterparts, one of which is to be retained by Grantor and the other, after recording, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the entire Restriction of the parties.
- c. This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law or private Restriction either in existence now or at any time subsequent hereto.
- d. Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to Buildings materials, construction methods or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been incorporated herein automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event any provision invalidated is of such a nature that it cannot be modified, the provision shall be deemed deleted from this Preservation Restriction as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

26. Amendment: If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this

Restriction, provided that no amendment shall be made that will adversely affect the qualification of this Restriction or the status of Grantee under any applicable law. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural and historic values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the Southern Essex County District Registry of Deeds. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

27. Release: This Preservation Restriction is intended to be a restriction in gross in perpetuity and may only be released, in whole or in part, by the Grantee pursuant to the procedures for release established by the Act and otherwise by law, including approvals following public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such a release is in the public interest.

28. Archaeological Activities: The conduct of archaeological activities on the Property, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission (M.G.L. C. 9, Sec. 27C, 950 C.M.R. 70.00).

IN WITNESS WHEREOF, the Grantor sets its hand and seal this ____ day of _____, 2020.

By:

GRANTOR: 190 High Street Nominee Trust II

Theodore R. Nelson, Trustee

Jenny K. Nelson, Trustee

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Theodore R. Nelson, proved to me through satisfactory evidence of identification, which was (a current driver’s license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Jenny K. Nelson, proved to me through satisfactory evidence of identification, which was (a current driver’s license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes.

Notary Public
My Commission Expires:

ACCEPTANCE BY THE NEWBURYPORT HISTORICAL COMMISSION

I, the undersigned Chair and Acting Clerk of the Newburyport Historical Commission hereby certify that at a meeting duly held on February 27, 2019, the Commission voted to approve and accept the foregoing Preservation Restriction Agreement.

Glenn Richards, Chair and Acting Clerk,
Newburyport Historical Commission

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Glenn Richards, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as duly authorized Chair and Acting Clerk of the Newburyport Historical Commission.

Notary Public
My Commission Expires:

ACCEPTANCE AND APPROVAL BY THE CITY OF NEWBURYPORT

I, the undersigned City Clerk of the City of Newburyport, Massachusetts, hereby certify that at a meeting duly held on _____, 2020, the City Council voted to approve and accept the foregoing Preservation Restriction Agreement for the preservation of the historic resources of said City and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

CITY OF NEWBURYPORT

By its Clerk

Richard B. Jones

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Richard B. Jones, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as Clerk of the City of Newburyport.

Notary Public
My Commission Expires:

The undersigned hereby certifies that the foregoing preservation restrictions have been approved and accepted by the City of Newburyport

CITY OF NEWBURYPORT

Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS
Essex, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared, Donna D. Holaday, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes as Mayor of the City of Newburyport.

Notary Public
My Commission Expires:

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION
COMMONWEALTH OF MASSACHUSETTS

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Massachusetts General Law, chapter 184, section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By: _____
Brona Simon
Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS
Suffolk, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared, Brona Simon, Executive Director and Clerk, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

Notary Public
My Commission Expires:

Exhibit A – Legal Property Description

PARCEL I

Commencing at the SOUTHERLY corner thereof on High Street by registered land formerly of Learned;

Thence running NORTHWESTERLY by said High Street about 100 feet to land now or formerly of Little;

Thence running NORTHEASTERLY by the last mentioned land, 54 feet, 6 inches to a corner;

Thence NORTHWESTERLY by the same land, 31 feet, 6 inches to land formerly of Lambert;

Thence NORTHEASTERLY again in part by said land formerly of Lambert and in part by land now or formerly of Healey, 84 feet, 4 inches to a corner;

Thence SOUTHEASTERLY by said land now or formerly of Healey, 27 feet to a corner;

Thence NORTHEASTERLY again in part by the last mentioned land, in part by land formerly of Harriet E. Jones, and in part by land formerly of Lucius H. Greeley, 183 feet to land formerly of Rebecca E. Frost;

Thence SOUTHEASTERLY in part by said land formerly of Frost, and in part by land formerly of Henry C. Learned (formerly known as the Friends Burying Ground), 94 feet, 3 inches to said registered land formerly of Learned; and

Thence running SOUTHWESTERLY by the last mentioned land 308 feet to said High Street and the point of beginning.

All of said measurements being more or less. Containing about 119 rods, more or less.

PARCEL III

Commencing at the EASTERLY corner thereof on Washington Street adjacent to Plot 1 as described in License to Sell filed with the Essex South District Registry of Deeds Probate of Agnes Sweeney, Docket Number 257049;

Thence running SOUTHWESTERLY by Plot 1 described above, 81 feet, 4 inches, to land formerly of Jane R. Wood, formerly of Learned;

Thence running NORTHWESTERLY by land formerly of Learned and land formerly of Nellie R. Currier, now or formerly of Learned, 49 feet to land now or formerly of Rebecca E. Frost;

Thence running NORTHEASTERLY by said land now or formerly of Rebecca E. Frost, 46 feet, 4 inches to a corner;

Thence running SOUTHEASTERLY by the said land 12 feet, 9 inches;

Thence NORTHEASTERLY by the same land 27 feet, 11 inches to Washington Street;

Thence SOUTHEASTERLY by said Street, 32 feet, 9 inches to the point of beginning.

All measurements being more or less.

Being the same premises conveyed to the Grantors by deed of Vassar College dated March 27, 1996 recorded with Essex South District Registry of Deeds in Book 13484, Page 72.

Subject to encumbrances of record. No title examination performed.

Source: Southern Essex District Registry of Deeds, Book 16313, page 449.

Exhibit B: Newburyport Assessors' Parcel Map with Building Footprints



Exhibit C – Massachusetts Historical Commission Inventory Form B's dated March 2004 and August 1980

Massachusetts Cultural Resource Information System
Scanned Record Cover Page

Inventory No: NWB.38
Historic Name: Morse, Rev. James - Williams, Enoch House
Common Name: Currier, Warren - Learned, Henry House
Address: 190 High St
City/Town: Newburyport
Village/Neighborhood:
Local No: 49-76
Year Constructed: r 1795
Architect(s):
Architectural Style(s): Federal
Use(s): Multiple Family Dwelling House; Single Family Dwelling House
Significance: Architecture; Landscape Architecture
Area(s): NWB.A: High Street District
NWB.L: Newburyport Historic District
Designation(s): Nat'l Register District (08/02/1984)
Building Materials(s): Roof: Slate
Wall: Glass; Wood; Wood Clapboard
Foundation: Granite; Stone, Cut



The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

The MACRIS database and scanned files are highly dynamic; new information is added daily and both database records and related scanned files may be updated as new information is incorporated into MHC files. Users should note that there may be a considerable lag time between the receipt of new or updated records by MHC and the appearance of related information in MACRIS. Users should also note that not all source materials for the MACRIS database are made available as scanned images. Users may consult the records, files and maps available in MHC's public research area at its offices at the State Archives Building, 220 Morrissey Boulevard, Boston, open M-F, 9-5.

Users of this digital material acknowledge that they have read and understood the MACRIS Information and Disclaimer (<http://mhc-macris.net/macrisdisclaimer.htm>)

Data available via the MACRIS web interface, and associated scanned files are for information purposes only. THE ACT OF CHECKING THIS DATABASE AND ASSOCIATED SCANNED FILES DOES NOT SUBSTITUTE FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS. IF YOU ARE REPRESENTING A DEVELOPER AND/OR A PROPOSED PROJECT THAT WILL REQUIRE A PERMIT, LICENSE OR FUNDING FROM ANY STATE OR FEDERAL AGENCY YOU MUST SUBMIT A PROJECT NOTIFICATION FORM TO MHC FOR MHC'S REVIEW AND COMMENT. You can obtain a copy of a PNF through the MHC web site (www.sec.state.ma.us/mhc) under the subject heading "MHC Forms."

Commonwealth of Massachusetts
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
www.sec.state.ma.us/mhc

This file was accessed on: Wednesday, July 15, 2020 at 11:53 AM

FORM B – BUILDING

MASSACHUSETTS HISTORICAL COMMISSION
 MASSACHUSETTS ARCHIVES BUILDING
 220 MORRISSEY BOULEVARD
 BOSTON, MASSACHUSETTS 02125

NWB.38

USGS Quad Area(s) Form Number

Newburyport **A,L** **NWB.38**

NEOIS. 8/2/84



Town Newburyport
Place Newburyport Historic District
Address 190 High Street
Historic Name Morse-Learned House
Uses: Present Dwelling
Original Dwelling
Date of Construction c. 1790-1803
Source MHC form and observation

Style/Form Federal
Architect/Builder Unknown
Exterior Material: Clapboards
Foundation Large ashlar granite
Wall/Trim Clapboard
Roof House: slate, barn: asphalt

Outbuildings/Secondary Structures

Carriage barn/garage set back to the north

Major Alterations (with dates)

3-story ell and porch northeast, dormers ?, Ell: 1st fl. window southeast, northeast door, altered fenestration, 1-story glassed addition and deck, Northeast elevation: 1-story glassed entry and stairs. Barn: southwest façade: 2 garage doors, hayloft opening now window.

RECEIVED

Condition Excellent

MAY 20 2004

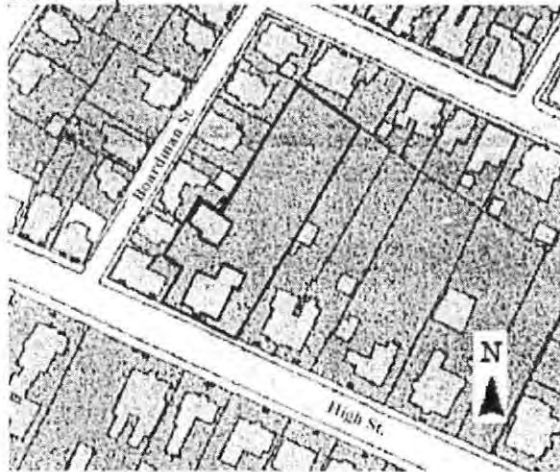
Moved No

MASS. HIST. COMM

Acreage 34,375 Sq. Ft.

Setting Facing southeast behind low granite retaining wall on slight rise. On main thoroughfare of architecturally distinguished houses in urban residential neighborhood, extensive, mature garden in deep back yard, carriage house at rear.

Sketch Map



Recorded by Pauline Chase Harrell
Organization Boston Affiliates, Inc.
 for the National Architectural Trust
Date March, 2004

Follow Massachusetts Historical Commission Survey Manual instructions for completing this form.

INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
 MASSACHUSETTS ARCHIVES BUILDING
 220 MORRISSEY BOULEVARD
 BOSTON, MASSACHUSETTS 02125

Community Property Address

NEWBURYPORT 190 HIGH STREET

Area(s) Form Number

AL 38

BUILDING FORM

ARCHITECTURAL DESCRIPTION see continuation sheet

Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.

This is a very fine example of a two and one-half story Federal style house, even for the high standards set by Newburyport designers and builders. The southwest-facing house is set on a slight rise close to the street. An edging of granite divides the sidewalk from the bank on which the house is set, which is planted with groundcover. A graveled drive at the west leads to the carriage barn/garage to the rear. Extensive gardens stretch behind the house to the northeast.

HISTORICAL NARRATIVE see continuation sheet

Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.

In 1803 the Rev. James Morse, minister of St. Paul's Church in Newburyport from 1803 to 1842, lived in this house. Morse was also one of the organizers of the Merrimack Bible Society, The Newburyport Academy and The Newburyport Athenaeum. Upon his death in the 1840s, the land passed to his daughter, who is believed to have laid out the original garden.

BIBLIOGRAPHY and/or REFERENCES see continuation sheet

Secondary sources:

BHC and Mary Jane Stirgwoit. "Massachusetts Historic Commission Building Form B: Newburyport, 190 High Street." 1980. United States Department of the Interior, National Park Service. National Register of Historic Places Inventory: Newburyport Historic District, 1980.

Brockway, Lucinda A. and Lindsay H. Cavanagh. *Gardens of the New Republic: Fashioning the Landscapes of High Street, Newburyport, Massachusetts* (Bright Sky Press: Albany, Tex., 2004)

Howells, John Mead, *The Architectural Heritage of the Merrimack*, New York: The Architectural Book Publishing Co., 1941.

Currier, John J., *History of Newburyport, 1764-1905*, vols. I and II. Boston: Damrell and Upham, 1906 and 1909.

History of Newbury, Mass., 1635-1902, Boston: Damrell and Upham, 1902, pp. 391-392. (Cited in Currier: Essex Probate Records, book cccx., leaf 114; Essex Deeds, book cxxv., leaf 91)

Atlases at the Historical Society of Old Newbury:

Walker Map Co.(?), *Atlas of the City of Newburyport, 1884*

Sanborn Map Co., *Atlas of the City of Newburyport, 1888*

Personal Communication:

Jay Williamson, Director, Historical Society of Old Newbury, April 27, 2004; Todd Woodworth, local historian and retired undertaker, April 14, 2004

Recommended for listing in the National Register of Historic Places. *If checked, you must attach a completed National Register Criteria Statement form.*

190 High Street is in the Newburyport National Register District.

INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
 MASSACHUSETTS ARCHIVES BUILDING
 220 MORRISSEY BOULEVARD
 BOSTON, MASSACHUSETTS 02125

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NEWBURYPORT 190 HIGH STREET

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ARCHITECTURAL DESCRIPTION, continued

The house is rectangular in plan and has a three-story, Federal mansion block-style, hip-roof ell set back on the northeast elevation. Much plainer than the main block, the date of this addition is not known. The main block, five bays wide by three bays deep on the northwest elevation but five on the southeast, rises to a high, deck-on-hip-roof that is higher than others of its period, a feature that was transitional from the earlier, heavier Georgian style. Flat-roofed dormers appear on all four elevations, those of the façade and rear elevation are filled with two windows, the dormers of the side elevations contain single 6/6 windows. All windows but those of the rear of the ell are finished with exterior shutters.

Windows are 6/6; on the first floor they have tall crown molds, and on the second floor they nearly touch the deep bed mold of the boxed cornice. The house is finished with wide cornerboards and a deep sill. A pedimented side entrance in the third bay of the southeast elevation features engaged, half-round Doric pilasters supporting an entablature with metopes and triglyphs. A probably twentieth century porch with fine Federal style rail links the main block and three-story ell. A flat-roof porch is located across the southeast elevation of the ell.

The most distinctive feature of the house is the fine central entry of the façade. It is reached by wide granite stairs and sheltered under a portico of slender, fluted Doric columns and pilasters. They support an entablature and flat roof. A mature wisteria vine softens the composition in season. The six-panel door has a surround that features finely reeded pilasters, an elliptical fan in a delicate leaded glass design with carved ornaments and a keystone in its wide surround. One-half length leaded glass sidelights with rosette-decorated ovals and circles complete this elaborate composition.

The ell has an entry in the first of the two-bay façade on the southeast. It is one bay on the southwest elevation. On the northeast or rear elevation of the ell the fenestration is asymmetrical: on the first floor the three bays contain a probably contemporary door, a wide, contemporary "bump-out" and a window. The door in the first bay leads to a contemporary deck and stairs. Of the three bays of the second floor of the ell the third bay contains a smaller, fixed-pane window, probably a twentieth century alteration.

The three-bay rear elevation of the main block contains another contemporary glassed entry vestibule and two original windows that are topped with high crown molds. The three second floor windows are repetitions of those on the façade and side elevations.

A well-preserved carriage barn set back on the north has been converted to a garage on the first floor and living or storage space above, but these alterations do not significantly detract from its integrity. The two-story structure with high hip roof has an offset two-story pavilion containing a windowless cross-gable wall dormer that still holds the lift for the hayloft opening below it. The opening has been altered as a window. Two garage doors have been let into the building, which is three bays wide. Like the house, the barn has 6/6 sash. The side and rear elevations contain three bays. A probably original ventilator is set into the left side of the roof and two contemporary skylights are set on the slope of the southeast elevation. A wood picket fence at the right side of the barn separates the garden from the more public barn/garage and driveway. There is a small sitting area paved with flagstones at the southeast side of the barn that was probably installed in the mid-to-late twentieth century.

At the rear of the house is a large well planned and developed garden. Its plan dating from the Federal period, it is articulated by graveled walks, perennial borders edged with low boxwood, fruit trees and mature deciduous and evergreen trees. Stepping down the hill in terraces that take advantage of the natural terrain, the garden progresses from a sitting area behind the house to a formal perennial garden which becomes somewhat less formal as it progresses to a shady area at the rear.

INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
 MASSACHUSETTS ARCHIVES BUILDING
 220 MORRISSEY BOULEVARD
 BOSTON, MASSACHUSETTS 02125

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NEWBURYPORT 190 HIGH STREET

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HISTORICAL NARRATIVE, continued

The heirs of Rev. Morse owned the house until 1851 when it was conveyed to Enoch Williams, who had been one of the incorporators of the short-lived Newburyport Steam Cotton Company, established in 1837 and dissolved in 1843, and was also a Director of the Newburyport Bank. He served as alderman in the city of Newburyport in 1856 and 1857. From Williams, ownership passed in 1869 to Warren Currier, and subsequently to A. T. Ross. Henry Learned began renting the house in 1916 and purchased it a few years later. On his death, it was inherited by his daughter Lorna, who lived there until the 1990s.

In 1768, prior to the Reverend Morse's ownership of 190 High Street, the heirs of Tirzah Bartlett and her husband Hathorn Coker, a Quaker, had set aside a small portion of their property as a Friends burying ground. As noted in Lucinda Brockway's 2004 *Gardens of the New Republic*, local historians have long believed that this burying ground was located on what is now the third level of the garden at 190 High Street, but that nothing remains of the burying ground today, as the graves were moved "in the previous century." No record of when or to where this removal took place has been found.

The belief is evidently based on Currier's statement, citing Essex County court records, in his 1902 *History of Newbury* that in 1767 Hathorn Coker, Samuel Coker and others sued Tirzah's estate to recover four acres of land stretching from Merrimack Street "nearly to High Street." As a result of that suit, the entail was docked in 1768, and division of "the Coker field" executed. Upon that division, "nine rods of the premises being three rods square at the north west Corner thereof" were set aside as a burial ground. Noting that Washington Street was laid out and accepted by the town of Newburyport in 1800, he says that, "entrance to the burying ground is from the southwesterly side of Washington Street." He also describes a "low granite monument [that] marks the enclosure," with an inscription dated in 1865 stating that Hathorn Coker and his family "lie buried here." John Mead Howells and others writing since have repeated this story in connection with the garden at 190 High Street, although an 1884 Newburyport atlas at the Historical Society of Old Newbury clearly shows the cemetery located on a lot adjacent to but separate from the property then owned by Warren Currier and subsequently the Learneds.

Learned is credited with the longevity of the property's fine Federal period garden. He undertook extensive rejuvenation of the garden parterres, and much of what remains in the garden today is the result of his effort and interests. After his daughter Lorna, also an avid gardener, inherited the house, she removed some of the more complicated formal beds but retained the overall design and planting style.

The layout of the garden today is believed to remain from the 1840s. The more formal flowerbeds were located close to the house with a kitchen garden and fruit garden to the rear, at the lowest level. The garden was separated into three areas by a series of tall hedges, with a long central path constructed on an axis with the sitting terrace behind the house connecting them. Boxwood hedges lined both sides of the central path, edging the wide perennial borders. Old photographs show circular box-lined beds on both sides of the first level of the garden, which were replaced by lawn when Miss Learned took over the care of the garden.

This house, with its characteristic arrangement of carriage house and gardens, remains one of the finest examples of High Street's Federal period architecture and its survival through the twentieth century.

INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

Community Property Address

NEWBURYPORT 190 HIGH STREET

Area(s) Form Number

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PHOTOS



INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

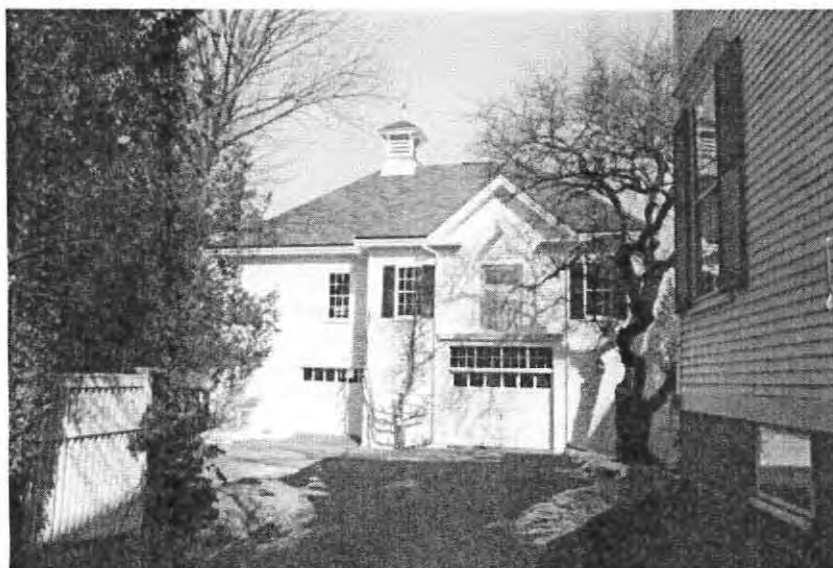
Community Property Address

NEWBURYPORT 190 HIGH STREET

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PHOTOS



INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
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AL	38
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PHOTOS

Left side of house from rear. NAT file: 190 High Street - left side from rear.jpg



Rear and right side of house. NAT file: 190 High Street - rear and right side.jpg



INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

Community Property Address

NEWBURYPORT 190 HIGH STREET

Area(s) Form Number

AL 38

PHOTOS

Rear. NAT file: 190 High Street - rear.jpg



Barn, right side and rear. NAT file: 190 High Street - barn - profile.jpg



INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

Community Property Address

NEWBURYPORT 190 HIGH STREET

Area(s) Form Number

A, L	38
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PHOTOS

Garden. NAT file: 190 High Street - vacant lot.jpg



INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

Community Property Address

NEWBURYPORT 190 HIGH STREET

Area(s) Form Number

AL	38
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PHOTOS

Garden. Photo from *Gardens of the New Republic*



MHC INVENTORY FORM CONTINUATION SHEET
MHC Inventory scanning project, 2008-2012

MACRIS No. _____ NWB.38

190 HIGH ST.

Formerly 174 High St.

DEPT: 1904 (Commonplace Book of the Rev. James Morss in St. Paul's Church Archives)

DATE: Rev. James Morss, Rector of St. Paul's Church, 1803-1842

Land bought 1803 and house built 1804 when the Rev. James Morss married Martha Boardman. (In Morss Diary - ST PAUL'S ARCHIVES)

Entry: in Morss Commonplace Book : 1804 Land purchased
308 ft. by Capt. Par's Land
44.03 ft. by Washington St.
100.00 ft. by High St.
321.08 - 321 - 321'9 "
Being in the whole as surveyed 110 Rds. 21/20

The first wife of the Rev. Dr. James Morss, Martha Boardman with whom there were 11 children (4 girls) 1 girl died an infant, one died @ 49, single, and 2 were married. Mrs. Sarah Boardman Selfridge lived to be 74, Mrs. Harriet Papanti reached age 67. 3 boys died in infancy 2 died as young men, 25 and 27 years and 2 sons reached ages 49 and 54 Mrs. Elizabeth (Harrison) Tyng Morss, second wife died January, 1841 The Rev. Dr. James Morss died April 26, 1842 @ 62 yrs.

Miss Martha Morss, the oldest of the Morss family kept house at 190 until 1850 when the house was sold
1851-1865 - Enoch Williams
1865 - 1880 - Warren Currier
1880 - 1893 - Currier Family?
1893 - 1899 - Andrew Ross
1899 - 1914 - Nellie Ross (widow)
1914 - 1918 - Leased to Henry Learned
1918 - to date (1983) Henry Learned heirs (Mrs. Adelaide Learned d. 1935)
1933 - 1945 - Henry Learned and family
1945 - to date (1983) Lorna Learned

FORM B - BUILDING

MASSACHUSETTS HISTORICAL COMMISSION
294 Washington Street, Boston, MA 02108

NWB, 38

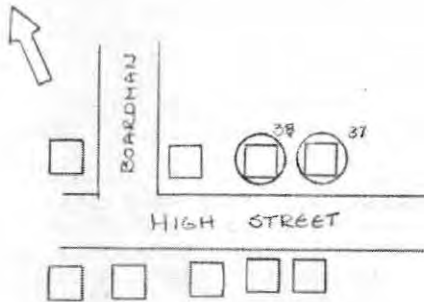
Area	Form no.
A+L	38

USES - Newburyport



Newburyport
Address 190 High Street
Historic Name Morse-Learned House
Original Residence
Present Residence
Ownership: Private individual
 Private organization
 Public
Original owner Unknown

Location in relation to nearest cross streets and other buildings or geographical features. Indicate north.



DESCRIPTION:

Date pre 1803
Source Howells, "Architectural Heritage of the Merrimack"
Style Federal
Architect Unknown
Exterior wall fabric Clapboards
Outbuildings Barn

Major alterations (with dates) additions at rear, shed dormer added (dates unknown)

Moved _____ Date _____

Approx. acreage 34,300 sq. ft.

Setting on Newburyport's main

thoroughfare noted for its excellent examples of domestic architecture dating from the Colonial period through the early 20th century.

Recorded by Mary Jane Stirgwolt
Organization Office of Community Development
Date 8-11-80

(Staple additional sheets here)

ARCHITECTURAL SIGNIFICANCE (describe important architectural features and evaluate in terms of other buildings within community)

This house has several fine Federal features. The form of the building is two stories with deep hipped roof possibly indicating a slightly earlier construction date than the "Square houses" of three stories built during this period. The doorway is an elegant example of the Federal entrance. The semi-elliptical fanlight has elaborate and delicate tracery as do the sidelights that flank the door. The entrance portico is supported by the Roman Doric order and may be a later addition. The doorway on the Southeast side of the house is pedimented and is also supported by the Doric order.

HISTORICAL SIGNIFICANCE (explain the role owners played in local or state history and how the building relates to the development of the community)

In 1803 the Rev. James Morse, minister of St. Paul's Church lived in this house. Morse was with the church in Newburyport between 1803 and 1842. He was also one of the organizers of the Merrimack Bible Society, The Newburyport Academy and The Newburyport Athenacum.

The heirs of Rev. Morse owned the house until 1851 when it was conveyed to Enoch Williams. Williams was one of the incorporators of the Newburyport Steam Cotton Company established in 1837. The factory was located at the foot of Strong Street "on the wharf next above the Newburyport bridge." This business was in operation only six years and was dissolved in 1843.

In 1836 Williams was one of the Directors of the Newburyport Bank. He served as alderman in the city of Newburyport in 1856 and 1857.

In 1869 Warren Currier purchased the house. He was in business under the firm name of Sumner, Swasey, and Currier at 45 Water Street. He owned the property until 1893. The house was subsequently owned by A. T. Ross. Henry Learned purchased the house in 1918 and it has been in the Learned family since that date.

BIBLIOGRAPHY and/or REFERENCES

J. J. Currier, History of Newburyport, 1764-1905, vols. I and II, reprint, Newburyport 1977.
Assessor's Records 1890-1980
1851 Plan of Newburyport, Mass. H. McIntire
1872 Map of the City of Newburyport, Mass. D.G. Beers and Co.
1851, 1871 City Directories

Exhibit D – Baseline Photographs dated July 2019 and July 2020



Photo 1, Main House, South Elevation, July 2019



Photo 2, Main House, South Elevation, July 2019



Photo 3, Main House, East Elevation, July 2020

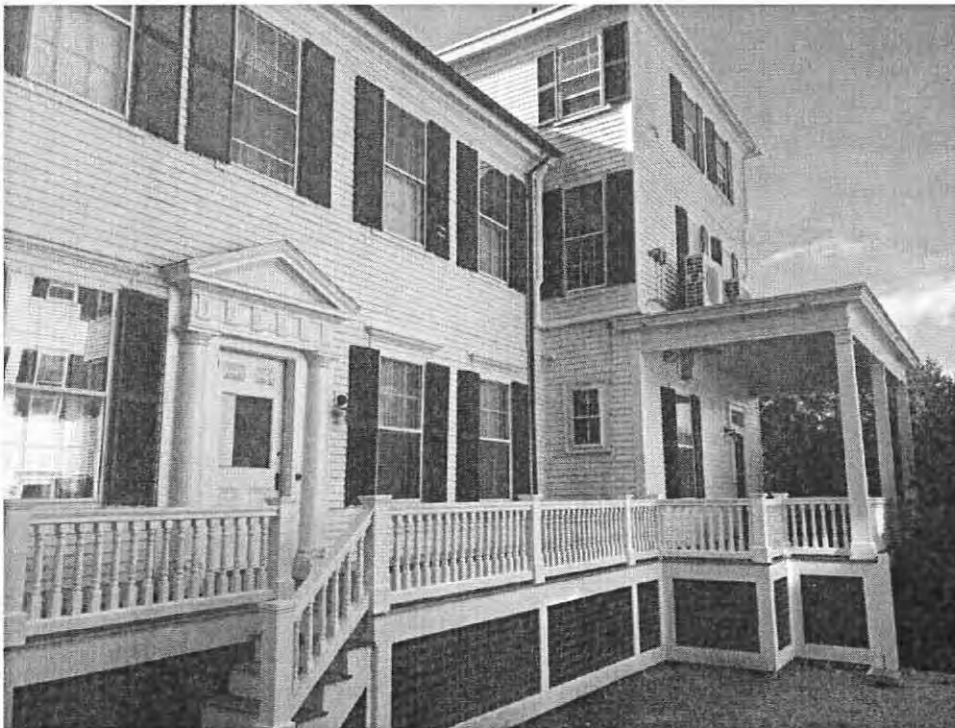


Photo 4, Main House, East Elevation, July 2020



Photo 5, Main House, West Elevation, July 2019



Photo 6, Main House, North Elevation, July 2019



Photo 7, Main House, South West Elevation, July 2019



Photo 7, Main House, South Elevation, July 2019



Photo 8, Carriage House, South Elevation, July 2019

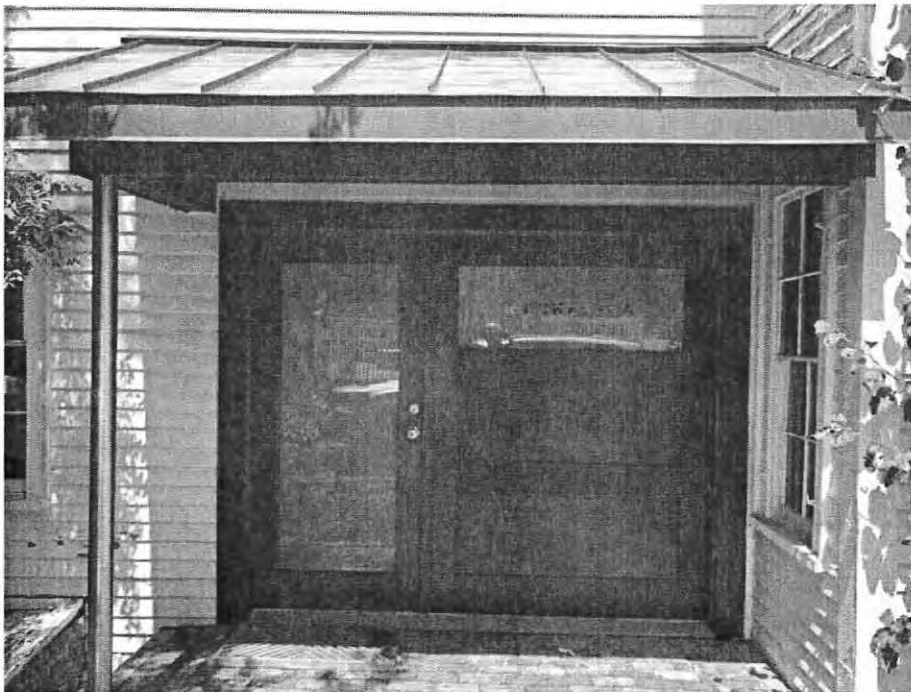


Photo 9, Carriage House, South Elevation detail, July 2019



Photo 10, Carriage House, North West Corner, July 2019



Photo 11, Carriage House, East Elevation, July 2019



Photo 12, Carriage House, North East Corner, July 2019

E – Restriction Guidelines

The purpose of the Restriction Guidelines is to clarify paragraphs 5 (five) and 6 (six) of the terms of the preservation restriction which deals with alterations to the Property. Under these sections permission from the Newburyport Historical Commission (NHC) is required for any major alteration. Alterations of a minor nature which are part of ordinary maintenance and repair do not require NHC review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change which must be reviewed by the NHC, the following list has been developed. By no means is this list comprehensive: it is only a sampling of some of the more common alterations which may be contemplated by building owners.

PAINT

Minor - Exterior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping exterior decorative surfaces or distinctive exterior stylistic features including ornamental woodwork, stone, decorative or significant original plaster.

WINDOWS AND DOORS

Minor - Regular maintenance including caulking, painting and necessary re-glazing. Repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of exterior units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change, however, with notification it is commonly acceptable.

EXTERIOR

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - Large scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot or extensive re-pointing of masonry. Structural stabilization of the property is also considered a major alteration.

LANDSCAPE/OUTBUILDINGS

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing Buildings or Property; altering or removing significant landscape features such as trees, gardens, vistas, and large plantings where such changes would alter the views of the Buildings; ground disturbance affecting archaeological resources.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor - Repair of existing systems.

Major - Installing or upgrading systems which will result in major exterior appearance changes (i.e. exterior ducts, piping, ventilators, HVAC units, dropped ceilings, disfigured walls or floors visible from the exterior through windows) or may potentially affect the physical characteristics or long-term structural integrity of the Buildings. For example, adding air conditioning or humidification to an historic building may result in detrimental condensation within exterior walls.

Changes classified as major alterations are not necessarily unacceptable. Under the preservation restriction such changes must be reviewed by the NHC and their impact on the historic integrity of the premise assessed.

It is the responsibility of the property owner to notify the NHC in writing when any major alterations are contemplated. Major alterations will necessitate review of plans and specifications by NHC.